

MEETING  
STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

CAL/EPA HEADQUARTERS  
JOE SERNA, JR., BUILDING  
1001 I STREET  
2ND FLOOR  
SIERRA HEARING ROOM  
SACRAMENTO, CALIFORNIA

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TIFFANY KRAFT, CSR, RPR  
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APPEARANCES

ADVISORY COMMITTEE MEMBERS

Ms. Barbara Lee, Co-Chairperson, North Sonoma County Air  
Pollution Control District

Mr. Joseph Lyou, Co-Chairperson, California Environmental  
Rights Alliance

Mr. David Arrieta, DNA Associates

Mr. Henry Clark, West County Toxics Coalition

Ms. Teresa DeAnda, Central Valley Representative,  
Californians for Pesticide Reform,  
represented by Ms. Martha Dina Arguello, Physicians for  
Social Responsibility

Mr. Michael Dorsey, County of San Diego, Department of  
Environmental Health

Mr. Robert Harris, Pacific Gas & Electric

Mr. Greg Herrmann, City of Burbank  
(Alternate for Sue Georgino)

Ms. Yuki Kidokoro, Communities for a Better Environment,  
represented by Ms. Cynthia Babich

Mr. Bruce Magnani, California Chamber of Commerce

Ms. Diane Takvorian, Environmental Health Coalition

Ms. Hermila Trevio-Sauceda, Executive Director, Líderes  
Campesinas

Ms. Lenore Volturmo, Pala Band of Mission Indians

Mr. Barry Wallerstein, South Coast Air Quality Management  
District, also represented by Mr. Larry Greene, Sacramento  
Air Quality Management District

Ms. Brenda Washington Davis, Managing Counsel, California  
Farm Bureau Federation

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APPEARANCES CONTINUED

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Ms. Linda Adams, Secretary

Dr. Shankar Prasad, Deputy Secretary

Ms. Malinda Dumisani, Special Assistant, Environmental Justice

STATE WATER RESOURCES CONTROL BOARD

Ms. Beth Jines, Chief, Officer of Public Affairs

Mr. William Rukeyser, Information Officer, Office of Public Affairs

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Mr. Eric Bissinger, Staff, Diversion, Planning & Local Assistance Division

Mr. Howard Levenson, Deputy Director, Permitting and Enforcement

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Mr. John Faust, Toxicologist

Mr. Val Siebal, Chief Deputy Director

ALSO PRESENT

Ms. Susan Fisher, California Air Resources Board

Mr. Paul Gosselin, Department of Pesticide Regulation, Cal/EPA

Mr. John Grattan, California Council for Environmental and Economic Balance

Ms. Zoe Heller, U.S. EPA

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Shabaka Heru, Executive Director, Society for Positive Action

Ms. Robin Krock, U.C. Davis

Ms. Amy Kyle, U.C. Berkeley

Mr. Chase Lamb

Ms. Lily Lee, U.S. EPA

Ms. Shelby Livingston, Air Resources Board

Ms. Debbie Lowe, U.S. EPA

Ms. Cynthia Medina, Assistant Director of Del Amo Action Committee

Ms. Denise Michaelson, BP West Coast Products

Mr. Randy Segawa, Department of Pesticide Regulation

Mr. Dale Shimp, Air Resources Board

Mr. Jay Shrider, Toxicologist, DPR

Ms. Mitzi Shpak, California Safe Schools and Action Now

Ms. LeVonne Stone, Executive Director, Fort Ord Environmental Justice Network?

Mr. Johnny White, Community Health Initiative California

Ms. Mary-Ann Warmerdam, Department of Pesticide Regulation, Cal/EPA

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1 PROCEEDINGS

2 CO-CHAIR LEE: I'm going to call the meeting of  
3 the CEJAC to order and introduce Secretary Linda Adams who  
4 is going to make some remarks to us and get us started.  
5 Thank you for coming, Secretary.

6 CAL/EPA SECRETARY ADAMS: Thank you very much,  
7 Barbara. There we go. Good morning, everyone. I'm Linda  
8 Adams, Secretary for Environmental Protection.

9 I want to thank you all for being here today.  
10 This is the public meeting of the Advisory Committee on  
11 Environmental Justice, and it's my first opportunity to  
12 meet many of you. I also want to welcome listeners on the  
13 webcast.

14 And what I'd like to do is go around the table  
15 and around the room and have everyone introduce  
16 themselves. Do we have a mike for around the room? Let's  
17 start with members of the Committee. If everyone could  
18 speak into the mikes since we are being webcast.

19 CO-CHAIR LYOU: Joe Lyou, California  
20 Environmental Rights Alliance. I'm Co-Chair of CEJAC and  
21 also a representative for the environmental organization  
22 slot.

23 CO-CHAIR LEE: Barbara Lee with the Northern  
24 Sonoma County Air Pollution Control District. I Co-Chair  
25 the Committee with Joe and also am one of the air district

1 representatives on the Committee.

2           ADVISORY COMMITTEE MEMBER ARRIETA: Dave Arrieta,  
3 DNA Associates. And I'm one of the business  
4 representatives on the Committee.

5           ADVISORY COMMITTEE MEMBER VOLTURNO: Lenore  
6 Volturno from Pala Band of Mission Indians, and I also  
7 Chair the Subcommittee on developing a tribal consultation  
8 policy.

9           ACTING ADVISORY COMMITTEE MEMBER HERRMANN: Greg  
10 Herrmann from the City of Burbank, City Planner.

11           ADVISORY COMMITTEE MEMBER HARRIS: Dr. Henry  
12 Clark, West County Toxic Coalition.

13           THE REPORTER: Tiffany Kraft. I'm the court  
14 reporter with Peters Shorthand Reporting.

15           ADVISORY COMMITTEE MEMBER DORSEY: Michael  
16 Dorsey. I'm with County of San Diego, Department of  
17 Environmental Health and one of the certified program  
18 agency representatives.

19           ADVISORY COMMITTEE MEMBER TAKVORIAN: Diane  
20 Takvorian, Environmental Health Coalition in San Diego and  
21 Tijuana and one of the environmental justice  
22 representatives.

23           ADVISORY COMMITTEE MEMBER HARRIS: Bob Harris,  
24 Pacific Gas and Electric Company representing the large  
25 businesses.

1           ADVISORY COMMITTEE MEMBER OKUN: Lori Okun from  
2 the State Water Board Office of Chief Counsel serving as  
3 counsel to the Committee today. And with me is Matt  
4 Bolick also with the Office of Chief Counsel.

5           ADVISORY COMMITTEE MEMBER PRASAD: Shankar  
6 Prasad, Cal/EPA.

7           MS. KROCK: Robin Krock, U.C. Davis.

8           MS. KYLE: Amy Kyle, U.C. Berkeley.

9           MR. SCHRIDER: Jay Shrider, Toxicologist, DPR.

10          MR. SIEBAL: Val Siebal, Chief Deputy Director  
11 from OEHHA.

12          MS. STONE: LeVonne Stone, Executive Director for  
13 the Fort Ord Environmental Justice Network and past member  
14 of this body.

15          MS. LOWE: Debbie Lowe, U.S. EPA.

16          MS. HELLER: Zoe Heller, U.S. EPA.

17          MR. SHIMP: Dale Shimp, Air Resources Board.

18          MS. LIVINGSTON: Shelby Livingston, Air Resources  
19 Board.

20          MS. LEE: Lily Lee, U.S. EPA.

21          MS. BABICH: Cynthia Babich, Del Amo Action  
22 Committee.

23          MS. SHPAK: Mitzi Shpak, California Safe Schools  
24 and Action Now.

25          MR. HERU: Shabaka Heru, Executive Director,



1 Society for Positive Action.

2 MS. MEDINA: Cynthia Medina, Assistant Director  
3 of Del Amo Action Committee.

4 MS. FISHER: Susan Fisher, California Air  
5 Resources Board.

6 MS. MICHAELSON: Denise Michaelson, BP West Coast  
7 Products.

8 MR. GRATTAN: John Grattan, California Council  
9 for Environmental and Economic Balance.

10 MR. FAUST: John Faust, OEHHA, Cal/EPA.

11 MR. BISSINGER: Eric Bissinger, California Waste  
12 Management Board.

13 MR. WHITE: Johnny White, Community Health  
14 Initiative, Richmond California.

15 MR. GOSSELIN: Paul Gosselin, Department of  
16 Pesticide Regulation, Cal/EPA.

17 MS. WARMERDAM: Mary-Ann Warmerdam, Department of  
18 Pesticide Regulation, Cal/EPA.

19 MR. LAMB: Chase Lamb, visitor.

20 MS. ARGUELLO: Martha Dina Arguello, Physicians  
21 for Social Responsibility, the alternate for Ms. DiAnda.

22 CAL/EPA SECRETARY ADAMS: Thank you, all. I'm  
23 very impressed with the attendance and the public  
24 participation here today.

25 I'm sorry I won't be able to stay for the entire

1 meeting, but you'll be in good hands with our two  
2 Co-Chairs.

3 I wanted to take a minute to say that I  
4 appreciate the time and effort you're all putting forth  
5 into making Cal/EPA's Environmental Justice Program  
6 effective and successful. Environmental justice is a very  
7 important issue at Cal/EPA. Some of you may not know, but  
8 in a prior life when I was in Governor Gray Davis'  
9 legislative unit, I was very pleased to negotiate on his  
10 behalf the first ever in the nation environmental justice  
11 law. And that was Senate Bill 115 by Hilda Solis.

12 So I have a whole new perspective on the issue  
13 now, because I'm seeing it from a different lens. And  
14 that's the implementation side. And I know these are very  
15 tough issues that we have to stay with and make some  
16 progress on.

17 So during my tenure over the last four months at  
18 Cal/EPA, I took this office on June 1, I've met three  
19 times with various environmental justice and community  
20 group representatives and a couple of times with the CEJAC  
21 sub-group. I'm now very aware of the issues that you  
22 would like us to focus on, so I have urged the Cal/EPA  
23 boards, departments, and office to focus on three major  
24 issues highlighted in the EJAC Action Plan. And those  
25 are: Public participation, cumulative impacts, and

1 precautionary approaches.

2 See, I've learned, haven't I, Joe?

3 CO-CHAIR LYOU: Doing great so far.

4 CAL/EPA SECRETARY ADAMS: These issues are

5 complex and multi-faceted, but they are very important.

6 So I want to reiterate as I've done at previous EJ

7 community meetings that I've participated in that it's

8 important that we continue to work together, Cal/EPA and

9 its EJ stakeholders, to ensure that environmental quality

10 is maintained and improved for all Californians.

11 I hope you will continue to assist us to ensure

12 that environmental justice is a reality for everyone in

13 California. Thank you.

14 And I think at this time do I hand the mike over

15 to Joe or Barbara?

16 CO-CHAIR LEE: Thank you, Secretary Adams.

17 I think maybe if there are Committee members that

18 have any brief questions for you or comments, I'd like to

19 open it just for a moment for Committee members to make

20 some comments or questions.

21 ADVISORY COMMITTEE MEMBER CLARK: Yes. Thank you

22 for the opportunity. Good to meet you, Secretary Adams.

23 Unfortunately, I wasn't part of the delegation of

24 this group that met with you due to many reasons. But

25 anyway, it's good to meet you.

1           Also Johnny White that introduced himself, he's  
2 also my alternate. And he's here for the first time.

3           CAL/EPA SECRETARY ADAMS: Thank you. Nice to  
4 meet you both.

5           CO-CHAIR LEE: Diane.

6           ADVISORY COMMITTEE MEMBER TAKVORIAN: Thank you,  
7 Secretary Adams. We appreciate and I'm pleased to hear  
8 that you prioritized the issues that are in the Action  
9 Plan. And so I wondered if you had some thoughts about  
10 how we might be able to move those forward. I know when  
11 we met with you, we had some discussion about the  
12 potential for resources that might be available to the  
13 Committee to enable the Committee to do its work better  
14 and then specifically for those three issues, because they  
15 really are high priorities. And I think the group and the  
16 staff from the different BDOs have done an enormous amount  
17 of work that we need to put forward so we can realize the  
18 dream that you worked on as well as the subsequent ones.

19           CAL/EPA SECRETARY ADAMS: Thank you, Diane. Yes.  
20 I was on a conference call. I know Joe was on that call  
21 and Barbara. I don't know if you were on the conference  
22 call I did a few weeks ago where we talked about folding  
23 those issues into the current pilot projects that are  
24 underway with the BDOs and perhaps having the BDOs form  
25 advisory or sub-groups so that we don't end up with a

1 separate Advisory Committee but kind of folded into the  
2 work that's being done with the pilot projects.

3 And it might be helpful today for the Committee  
4 to -- I don't know, Joe, if you and Barbara planned on  
5 actually discussing what the Advisory Committee might  
6 prefer as far as the approach. But that's one approach  
7 that we discussed that might be the most resource  
8 effective. So I think it might be helpful for you folks  
9 to talk that over today.

10 ADVISORY COMMITTEE MEMBER TAKVORIAN: It's on the  
11 agenda, so maybe we can think about that as one method and  
12 look at other options as well.

13 CO-CHAIR LYOU: We've always had more issues to  
14 discuss than time to discuss them at this Committee. But  
15 I'm sure that's going to come up today.

16 And Milly, would like to give you an opportunity  
17 to just introduce yourself.

18 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Good  
19 morning, everybody. Sorry about being late. Plane  
20 issues. Milly Trevino-Sauceda. I'm the Executive  
21 Director of a statewide organization called Líderes  
22 Campesinas, which means farmworker women, and I'm here.

23 CO-CHAIR LYOU: The other thing I was going to do  
24 is make sure everyone was aware that the Subcommittee who  
25 met with Secretary Adams and/or representatives of Cal/EPA

1 we've put together a memorandum. It's available on the  
2 table back here. And encourage people to pick up a copy  
3 of it.

4           This is just a memo to other Committee members so  
5 they are aware of what our conversations entailed. And as  
6 we already said, we talked about -- as Diana already  
7 indicated, we talked about securing the funding and  
8 resources necessary for us to make progress on these key  
9 issues of cumulative impacts and precautionary approaches  
10 and that we're hoping there would be a process by which  
11 that would happen, quickly summarizing. There are other  
12 issues, but you can read them in the memo. Just want to  
13 make sure the full Committee was informed of the progress  
14 that the Subcommittee made on the Committee's behalf.

15           CO-CHAIR LEE: One is what is the Committee's  
16 pleasure now? Do you want to hear the updates on  
17 cumulative impacts and on the precautionary approach  
18 before we talk about how we think we could best interface  
19 with Cal/EPA as they move forward on these important  
20 projects? Or do you want to have a separate up front  
21 discussion of that?

22           My suggestion would be that we hear the updates  
23 and then have the discussion, but I want to make sure the  
24 Committee is comfortable with that approach.

25           ADVISORY COMMITTEE MEMBER CLARK: Yes. Well, I'm

1 comfortable with that approach. I think that in terms of  
2 any further action that we need to do, the presentations  
3 may bring forward some information or points that need to  
4 be taken into consideration in that further interaction.

5 CO-CHAIR LEE: Okay. Well, all right. In that  
6 case, then if we could get started with the cumulative  
7 impacts presentation from OEHHA.

8 ADVISORY COMMITTEE MEMBER TAKVORIAN: We need to  
9 note this is a first. We always made John wait until the  
10 end and then the next meeting. So you look surprised,  
11 John.

12 (Thereupon an overhead presentation was  
13 presented as follows.)

14 MR. FAUST: Yeah. You're I guess 40 minutes  
15 earlier than I expected. So I feel honored. Did all the  
16 Committee members get two handouts that I had as well as  
17 copies of the slides? Okay.

18 So at the previous meeting of this group --  
19 there's a blue one, too. There's one that should be sort  
20 of data related and another data gaps. Yes. Exactly.

21 For those of you who don't know me, my name is  
22 John Faust. I'm a toxicologist with OEHHA.

23 At the last meeting of this group, I had a  
24 presentation on the cumulative impact project that focused  
25 on our work to that time. Most of the presentation

1 concerned the types of data that are available and  
2 identified key characteristics that made them useful and  
3 some of their limitations as well.

4 Today, I'd like to tell you where we're going  
5 with using the specific information to try to come to  
6 terms with cumulative impacts on a geographic basis.

7 --o0o--

8 MR. FAUST: This slide outlines the remaining  
9 activities related to the cumulative impacts projects that  
10 were identified in the EJ Action Plan.

11 Phase three, which was projected to be completed  
12 late 2005, identified conducting a preliminary cumulative  
13 impacts analysis for the pilot projects as a goal. This  
14 is now a year behind schedule and has only been partially  
15 completed. We've begun preliminary work related to one of  
16 the pilot projects, namely the pesticide monitoring  
17 project being conducted by DPR and Parlier, the community  
18 in Fresno. I'll talk more in detail about this shortly.

19 The Action Plan also identified a phase four with  
20 no cumulative impacts related milestones.

21 Phase five, which was to be completed this year,  
22 was to develop the guidance on cumulative impacts analysis  
23 prevention and reduction and to make recommendations on  
24 implementation options. Activities related to this phase  
25 are ongoing, and it involved getting some stakeholder



1 input to identify more specific roles for OEHHA in the  
2 development of guidance and recommendations.

3 So at this point, I'd like to revisit the  
4 recommendations that were previously made by this group  
5 concerning cumulative impacts analysis. I've outlined  
6 some of them on this slide.

7 --o0o--

8 MR. FAUST: An overarching idea was that there  
9 was a need for better data and tools to address cumulative  
10 impacts to identify both problems and appropriate  
11 responses. The recommendations also suggested that this  
12 be accomplished without placing an undue burden on local  
13 governments or programs.

14 The Committee identified several potential areas  
15 of application in government work cumulative impacts  
16 guidance might be useful. Those included land use and  
17 zoning guidance, facility siting, and permitting, mobile  
18 source pollution control, and site remediation. So in  
19 working towards the development of guidance on this  
20 subject, we're keeping these recommendations in mind as  
21 well.

22 --o0o--

23 MR. FAUST: So as you'll recall, in this context  
24 cumulative impacts has been taken to mean the impacts from  
25 environmental pollution from all sources and other

1 emissions and discharges through all media in a geographic  
2 area. Impacts are to include exposures, public health  
3 effects, and environmental effects and are to take into  
4 account sensitive populations and socioeconomic factors  
5 where applicable.

6           So in moving towards the development of guidance  
7 and one which can be used to evaluate cumulative impacts  
8 under this definition, I've presented some steps we can  
9 use to explore cumulative impacts. These steps assume  
10 that a geographic area has been identified. Geographic  
11 area selection would depend on several factors including  
12 the nature of the decision or use of the analysis being  
13 conducted.

14           For example, it may be related to a specific  
15 project under consideration or a screening of different  
16 areas for prioritization in making an environmental  
17 decision.

18           Since a particular functional activity hasn't  
19 been identified here, I've outlined these steps somewhat  
20 generally and not tailored it to a specific geography,  
21 such as an air basin, a watershed, a community, so forth.

22           So a first step would be an inventory of  
23 environmental pollution from all sources. I've provided a  
24 handout, the multi-page table that outlines a suggested  
25 list of pollutant source categories that might serve to

1 create an inventory for a specific geographic area. I'm  
2 not going to spend a lot of time, you know, going through  
3 this. But this is just there for your reference. And if  
4 anyone has questions about that, I'll be happy to take  
5 them.

6           It breaks the categories down into somewhat  
7 traditional categories which I've identified before, such  
8 as large industrial, on- and off-road mobile sources,  
9 agricultural sources, and so on. And in the table I've  
10 also identified places where relevant information may be  
11 found regarding specific sources.

12           So the inventory phase would involve making use  
13 of the available information. It would describe the  
14 findings quantitatively if possible and would involve  
15 communication with the subject community. The  
16 communication aspect is something that should occur  
17 throughout this process.

18           The second step involves trying to evaluate the  
19 degree to which each source has the potential to produce  
20 exposures, public health effects, or environmental  
21 effects. This is essentially bridging the gap between the  
22 types of information that are available and such as uses  
23 or emissions inventories and the exposures or effects that  
24 are associated with them.

25           A third step would be to evaluate the relative

1 contributions of each source and their relationship to  
2 potential adverse outcomes and to find ways to sum them.  
3 An additional consideration would be sensitivity or  
4 vulnerability of the population under consideration.

5 I included a second table in the handout which  
6 identifies population characteristics that may suggest  
7 differences in vulnerability to environmental pollutants  
8 and a third table describing certain health and  
9 environmental effect end points that we also might  
10 consider.

11 So then the fourth step would be to characterize  
12 the overall findings and place them in context. And this  
13 would also include identifying key areas of uncertainty.

14 --o0o--

15 MR. FAUST: So our first efforts in applying this  
16 approach to a specific community has been in the Parlier  
17 pilot project area. The project area that we chose is a  
18 year-long air monitoring study being conducted in Parlier  
19 which I think you are mostly acquainted with looking for  
20 air monitoring for a number of pesticides as well as  
21 volatile organic compounds. And there's also a  
22 groundwater component.

23 So our contribution to this effort is to  
24 complement the air monitoring data with data from other  
25 sources that might tell us something about the potential

1 for exposures to public health or environmental effects  
2 to the air, water, or soil.

3 --o0o--

4 MR. FAUST: So this slide if -- you can't see it  
5 very well -- identifies the Parlier project area shown by  
6 satellite image of the area. And while the pesticide  
7 monitoring is being conducted in Parlier itself, which is  
8 at the center, the green cluster in the very middle, a  
9 larger area has been evaluated for pesticide use shown by  
10 the blue boundary and includes part or all of some of the  
11 neighboring cities of Sanger, Reedly, Kingsburg, and  
12 Selma. This boundary also seemed reasonable for the  
13 purpose of making an inventory of additional contributors  
14 or potential contributors to cumulative impacts.

15 --o0o--

16 MR. FAUST: So thus far we've accumulated data on  
17 Parlier in the vicinity in the following categories:  
18 Large industrial and small commercial sites, brownfields  
19 and school investigation sites, landfills, leaking  
20 underground storage tanks, pesticide use, ground and  
21 drinking water quality, and traffic data. Additional data  
22 concerning demographics, employment, and economic data  
23 have also been gathered from readily available sources,  
24 primarily the Census Bureau. So we're currently  
25 continuing to add to these data, and also we'll be

1 receptive to making additional changes or suggestions from  
2 the community at the time we bring the preliminary  
3 inventory to them.

4 --o0o--

5 MR. FAUST: So one tool for showing how  
6 pollutants may vary across geography is by mapping. So  
7 we've used a GIS, geographic information system, to  
8 present some subset of these, some of the information on  
9 point sources that fall within the project area.

10 This slide shows mapping of some of the project  
11 area I showed before but without the satellite image to  
12 help emphasize some of where these point sources are.

13 The icons here represent facilities that report  
14 emissions under ARB CEIDARS database, TRI, U.S. EPA's  
15 toxic release inventory, solid waste sites, leaking  
16 underground fuel tanks, and underground storage tanks as  
17 well as brownfields.

18 This map is preliminary and isn't intended to  
19 make conclusions about specific areas where there may be  
20 disproportionate cumulative impacts. But in each case, we  
21 need to look a little further to determine the extent to  
22 which potential exposures or impacts may be occurring and  
23 to find out where those sorts of circumstances might  
24 create a cumulative burden.

25 --o0o--

1           MR. FAUST:  So in the next couple slides I  
2 identified some of the specific data regarding pollution  
3 categories.  Those are sort of the easier things to run  
4 across, like the toxic release inventory facilities.

5           So the first column identifies the type of  
6 industry and the project area.

7           The second column, the city where the facility is  
8 located.  None of these are in Parlier itself but in the  
9 surrounding cities.  And the industries relate to  
10 different aspects of commercial activity including those  
11 related to agriculture, hazardous waste treatment, the  
12 metal related industry and so forth.

13          The third column identifies certain specific  
14 pollutants.

15          And the final column, the fate of the particular  
16 compound in question.

17          Additional information that's available includes  
18 the amount of the release or the transfer, the year, and  
19 so forth.

20                               --o0o--

21          MR. FAUST:  So this next slide identifies sites  
22 listed by DTSC envirostore database, including federal  
23 superfund sites, State response sites, voluntary cleanup  
24 sites, and school investigation sites.

25          Available relevant information includes the past

1 use of the property, the potential contaminants of  
2 concern, and the potential media that may be effected at  
3 the site. Some of the past uses that have been identified  
4 in this specific project area include contamination  
5 associated with the lumber industry, battery reclamation,  
6 and electroplating. A recurring concern from school site  
7 investigations is residual contamination from DVT and lead  
8 arsenic from previous agricultural uses of the land.

9 --o0o--

10 MR. FAUST: So that's just a tiny subset of the  
11 information, what we can pull together.

12 So I've outlined some of the considerations that  
13 need to be taken into account when evaluating the  
14 different data sources. One is the relevance or  
15 representativeness. That is, does the data source provide  
16 information about a particular threat to public health or  
17 the environment?

18 Another is data quality. Is the information that  
19 you have correct? And how complete is the information?  
20 And has the information been updated recently?

21 And another is sensitivity. Are the data  
22 sensitive to differences across geography? And what  
23 degree of resolution can you determine based upon the  
24 information?

25 --o0o--



1           MR. FAUST: So in the past, I've made reference  
2 to gaps in data that make coming to terms with cumulative  
3 impacts difficult on this slide. I've identified  
4 different types of gaps that deal with some of the  
5 difficult data steps along the way to understand  
6 cumulative impacts. I've also provided a handout with  
7 these and a few specific examples. These are terms that I  
8 sort of came up with. So it's certainly not set in stone.

9           The first is what I called source gaps. This  
10 would be a lack of specific knowledge about a category of  
11 pollutants. For example, there's not readily available  
12 information concerning occupational exposures or exposures  
13 to contaminants in indoor air. Another is determining  
14 exposures to chemicals for which emission reporting is not  
15 required.

16           A second is exposure gaps which limit our ability  
17 to estimate exposures even when we do have some  
18 information about a specific source. An example is how  
19 much exposure occurs from an existing hazardous waste  
20 facility or brownfield. Another is evaluating food or  
21 indoor air exposures.

22           The third category I listed is toxicity gaps,  
23 which are gaps in knowledge about how exposure to a given  
24 chemical may cause harm. These include the situation  
25 where chemicals are untested or inadequately tested for

1 toxicity, for example, or when they're only tested for  
2 certain types of toxicity or when they haven't been  
3 considered for potential sensitive populations.

4           And another is cumulative effects gaps, which are  
5 gaps in knowledge about how specific combined chemical  
6 exposures may add up to cause effects. In this case, a  
7 lack of knowledge is more the rule than the exception and  
8 would include most combinations of chemical exposures.  
9 This also includes the lack of knowledge about how to  
10 evaluate the impact for different end points when they  
11 occur at the same time or how to combine, for example,  
12 human and ecological impacts.

13           Another type of gap is what I call the population  
14 vulnerability status gap, little cumbersome. These are  
15 gaps related to what we know about communities and how  
16 they may be vulnerable to environmental pollutants. And  
17 those could include such things as the prevalence of  
18 disease or nutritional factors, for example.

19           Another major gap is the implication of climate  
20 change over time. This may effect things like the amount  
21 of time people spend indoors or changes to vegetation or  
22 crops that may occur, among many other things.

23                               --o0o--

24           MR. FAUST: So some of these data gaps are  
25 typically addressed in certain ways with respect to what I

1 call exposure gaps, for example. Modeling emissions is a  
2 typical approach. For example, air dispersion modeling is  
3 available to estimate who might be exposed to emissions  
4 from a stationary source. And I think ARB has talked  
5 about working on developing models to estimate combined  
6 exposure from mobile sources and point sources.

7 For cumulative effect gaps, one of the challenges  
8 is to find common terms to express the magnitude of threat  
9 from a number of different possible exposures. Since all  
10 exposures are not equal -- that is exposure to benzene  
11 doesn't equal exposure to carbon dioxide or some other  
12 possible chemical -- exposures are frequently weighted by  
13 their degree of hazard or risk associated with them.

14 A common assumption in risk assessment is  
15 additivity and the approach to evaluating chemicals for  
16 the potential effects from combined exposures for  
17 non-carcinogens is called the hazard index, hazard  
18 quotient approach. And there's also the summing of risks  
19 for carcinogens. Each these approaches has limitations in  
20 terms of their adequacy for characterizing either  
21 exposures or cumulative effects.

22 --o0o--

23 MR. FAUST: So I've identified some of the  
24 challenges on this slide. One is that data gaps make  
25 combined impacts difficult to evaluate even when we do

1 have a method to do it. And another is the summation  
2 problem itself with different health end points being  
3 difficult to combine and challenges to combining health  
4 effects with environmental effects and also the  
5 implications of taking into consideration exposures when  
6 they occur at different times.

7 Also a disproportionate burden is difficult to  
8 establish in view of different degrees of resolution for  
9 different data types across geography.

10 There are also not defined cumulative thresholds  
11 of significance, particularly in view of the range of  
12 impacts here. And finally, there's also challenges in  
13 evaluating important aspects of population vulnerability.

14 --o0o--

15 MR. FAUST: So on this next slide, I've  
16 identified several areas where this Committee could  
17 provide additional direction on the project. These aren't  
18 things I necessarily expect that you would want to take on  
19 today but perhaps consider for the future. And those  
20 include suggestions for how to consider environmental and  
21 ecological impacts in the environmental justice context.

22 How we can better engage the public in this  
23 process. That is the development of guidelines or  
24 guidance on cumulative impacts analysis.

25 Whether a primary focus of this effort should be

1 thoroughly characterizing a community or finding ways to  
2 compare different communities.

3 And finally, what kind of output or what sort of  
4 product is expected from an analysis of this type.

5 --o0o--

6 MR. FAUST: So in terms of a time line, I'm  
7 hoping we'll have a completed draft inventory of the  
8 contributors to cumulative impacts for the Parlier project  
9 area this winter. This draft would be brought to the  
10 project's technical advisory groups and local advisory  
11 groups for suggested improvements, corrections, additions.

12 OEHHA will continue to consult with DPR as the  
13 data from the air monitoring study become available and to  
14 explore how to consider the cumulative impact aspect of  
15 that set of data.

16 In the spring, I'd like to continue taking steps  
17 in the Parlier project, finding ways to express the  
18 information, explore ways to combine different types of  
19 information, and using the experience with this pilot  
20 project to examine ways to begin construction of guidance  
21 on the analysis of this type of analysis. So this  
22 exercise will also hopefully help us in developing  
23 recommendations for how to implement and use the guidance  
24 as well.

25 So that concludes my presentation. I'd be happy

1 to take questions or --

2 CO-CHAIR LEE: Okay. Before we go to questions,  
3 I want to introduce Cynthia Babich and ask her to come and  
4 join us at the table. She is going to be serving as the  
5 alternate for Yuki who could not be up here for the  
6 meeting today. Although Cynthia is not Yuki's regular  
7 alternate, counsel has made a determination that in this  
8 instance it is okay for Cynthia to serve.

9 Would you mind just giving us a quick explanation  
10 of that so Committee members understand how this came  
11 about?

12 ADVISORY COMMITTEE MEMBER OKUN: The bylaws talk  
13 about designating one person to serve as an alternate and  
14 aren't clear about whether that one person is the  
15 alternate always or it can be one person per meeting. So  
16 the bylaws are somewhat vague. Because this is only an  
17 advisory body and because the whole purpose of the body is  
18 to foster public participation, I think the bylaws should  
19 be read as broadly as possible. And DSO has approved the  
20 appointment for this meeting.

21 CO-CHAIR LEE: Thank you for being prepared to  
22 serve today, Cynthia. We appreciate your willingness to  
23 give us input on these issues.

24 We're going to go now to questions of staff and  
25 comments by Committee members. And I'd like to just throw

1 out two sort of overarching questions for you, John.

2 First of all, it wasn't clear to me from your  
3 presentation whether or how you plan to try to fill some  
4 of the data gaps that you are finding in Parlier  
5 specifically and whether your guidance is going to go in  
6 the direction of how one does that. So I would be  
7 interested in your thoughts on that.

8 And secondly, as you probably heard at the  
9 beginning of the meeting, there is some discussion about  
10 how this body can best interact with you on your  
11 cumulative impacts project. And we would certainly  
12 appreciate hearing from you what kind of interaction would  
13 be helpful for you in moving it forward.

14 MR. FAUST: Okay. I guess with regard to the  
15 gaps in information that we encounter as we're moving  
16 through the Parlier preliminary study, there isn't a plan  
17 to fill the gaps per se, but to take existing information  
18 as far as we can. So I don't know if that quite gets at  
19 the answer.

20 But I think identifying gaps that are symptomatic  
21 of a larger piece of missing information will be a part of  
22 the process where we identify those and sort of flag them  
23 rather than try to fill them.

24 And with respect to the interaction with the  
25 Committee, I know a number of the members identified

1 themselves as interested in the particular subject of the  
2 last meeting in the South Coast. You know, I'm always  
3 receptive to interacting at whatever level is feasible.  
4 I'm not sure what the constraints are in terms of having  
5 the Committee meet as a group or, you know, in a public  
6 forum versus small work group type situations. But I'm  
7 very open to that.

8 CO-CHAIR LEE: Okay. And just to be clear, what  
9 I'm looking for now are any clarifying questions you have  
10 about the update that John has given us. We're going to  
11 take public comment and then turn to whatever decisions we  
12 want to make.

13 Lennore.

14 ADVISORY COMMITTEE MEMBER VOLTURNO: I have a  
15 question for you. One of the questions that you put forth  
16 to this Committee was how you could better engage the  
17 public in the process. And I think it would be helpful  
18 for me to know what is your current method of including  
19 the public in your process now and what has been done thus  
20 far and what are your plans for the future.

21 MR. FAUST: A large part of the current work  
22 involves this preliminary inventory in a specific pilot  
23 project area. The DPR pilot project has already an  
24 existing local advisory group as well as a technical  
25 advisory group. And my plan is to bring this preliminary



1 work to them, those two groups first for feedback, because  
2 there's both the expertise on the technical group as well  
3 as the knowledge of the community itself in the local  
4 advisory group to provide feedback.

5 I mean, I think there's sort of two processes at  
6 work here, one of which is the preliminary exploration for  
7 the pilot project which is kind of coming before the  
8 development of guidance. And I guess those could be  
9 viewed separately. But there will certainly be lessons  
10 learned from the preliminary work that will help feed into  
11 how the guidance should be constructed. So at some point  
12 this will have to be moved to a larger forum including  
13 statewide stakeholders.

14 CO-CHAIR LEE: Okay. Henry and then Barry.  
15 Sorry, Val, did you have an additional --

16 MR. SIEBAL: Good morning, everyone again. Val  
17 Siebal, Chief deputy from OEHHA.

18 Just to add onto what John suggested as to how  
19 we're going to get more of the public engaged. If you  
20 know OEHHA, we're pretty well respected in several  
21 communities, including the scientific community. So what  
22 we see as part of this project is to get greater  
23 acceptance of where we're going and what we're  
24 investigating with the scientific community. And the  
25 American Society of Toxicologists is meeting next month

1 and actually sponsoring a seminar as a portion of that  
2 meeting to get their input on things like this project.

3 And I think that's kind of important for us and  
4 for everybody here to make sure that we have more than  
5 just the scientists within Cal/EPA engaged in this and  
6 understanding where we're going with developing these  
7 guidelines. So that's another portion of the outreach  
8 we're trying to perform.

9 ADVISORY COMMITTEE MEMBER VOLTURNO: Thank you.

10 CO-CHAIR LEE: Okay. Henry.

11 ADVISORY COMMITTEE MEMBER CLARK: Yes. Thank  
12 you. I have a couple of issues of concern. You indicated  
13 that you reviewed various data banks to collect  
14 information, be that the toxic release inventory and other  
15 sources, to sort of characterize our community in terms of  
16 various different sources of impacts.

17 So without taking all day, how do you go about  
18 doing that in terms of say you come into a community,  
19 Richmond or whenever. And do you have to go through each  
20 data bank to find out if there's any particular  
21 information in there relevant to facilities or operations  
22 in that community? Or you just plug in the town and all  
23 the information comes up for that particular community  
24 from the data banks or what?

25 MR. FAUST: Yes. It is very much like that.

1 There are numerous existing databases which allow you to  
2 search by various criteria, including city name or ZIP  
3 code and so forth. And by going through those thoroughly  
4 and systematically, I think we do feel fairly confident  
5 that we get all of the relevant information that is  
6 available for a particular type of source category.

7           ADVISORY COMMITTEE MEMBER CLARK: In regard to  
8 the indoor air quality concern that you raised, which is a  
9 major concern, as well as you mentioned with the  
10 consideration of our climate change. And you indicated  
11 that people possibly will be spending more time indoors,  
12 which we are constantly bombarded with ads now that says  
13 indoor air quality is probably worse than outdoor air  
14 quality.

15           So with that all under consideration, then would  
16 you be taking some indoor air sampling in communities  
17 where you are doing these cumulative impact studies?

18           And let me just put out the last concern. And  
19 that in terms of what -- at least what I would like to see  
20 with this information in this study and where it's all  
21 going. The reason that I think that we're looking at  
22 cumulative impacts is because we want to see the various  
23 sources of exposure to people, to residents from many  
24 sources that we possibly can and how it impacts people's  
25 health, people's life. If it wasn't any threat to health

1 and safety, I probably wouldn't be interested. Why would  
2 we, if there's no threat there?

3           So in the final end, it comes down to what impact  
4 all of these different sources in a cumulative way have on  
5 the public health, people's lives. And you know, if there  
6 is some risk or danger or harm, then we want to recommend  
7 policies and measures to eliminate or reduce those impacts  
8 that would end up being protective of public health and  
9 safety. So I think from my assessment, that's where I  
10 would like to see this all going. Otherwise, it's really  
11 non-sense.

12           MR. FAUST: Okay. Well, with respect to the  
13 first comment about making a recommendation for additional  
14 sampling, there's no plan to do that. I think part of  
15 this exercise is to show where we have needs and where  
16 information is missing that's important. And I mean,  
17 there may be circumstances when a particular source is  
18 identified for which there isn't information which might  
19 be so compelling that it would warrant making that sort of  
20 recommendation. But that isn't the part of the process at  
21 the moment that we're using for this exploration, because  
22 we pretty much are limited to using the data that's  
23 available on hand now and trying to come to terms with  
24 whether it can be used as a basis for evaluating some sort  
25 of cumulative impact by itself.

1 I mean, when information is missing, we can make  
2 guesses and assumptions about how best to fill it in. But  
3 that has dangers both of over and underestimating.

4 ADVISORY COMMITTEE MEMBER CLARK: I'm sure if you  
5 scrutinize all the sources that you mentioned that you  
6 probably would have enough data to determine whether there  
7 was any threat to public health and safety anyway.

8 CO-CHAIR LEE: All right. We're going to go to  
9 Barry next. And then if there are no other Committee  
10 questions of staff -- oh, I'm sorry. I didn't see you  
11 guys. We'll go to Barry and then Joe and then Bob. When  
12 we get to public comment, I've received one yellow card  
13 from someone wishing to speak. If you wish to speak to  
14 the Committee on this item, please fill out a yellow card.  
15 Looks like -- okay. So please get your cards in if you  
16 want to speak on this item.

17 Barry, why don't you go ahead.

18 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I had  
19 just a couple of quick questions. On slide number seven,  
20 you indicated for the current study that you accumulated  
21 some data for populational health related items for two  
22 items in particular: Pre-term births and low birth  
23 weight. Are you also going to collect other populational  
24 health data, such as cancer rates?

25 MR. FAUST: Yes. In the table two of that

1 handout that I gave identified certain types of population  
2 health data including cancer rates and mortality that are  
3 available. I just haven't amassed that information yet.  
4 But it will be part of it.

5 ADVISORY COMMITTEE MEMBER WALLERSTEIN: But the  
6 intent is to do that.

7 MR. FAUST: Yes.

8 ADVISORY COMMITTEE MEMBER WALLERSTEIN: So is it  
9 correct to assume you're really working from two  
10 directions if you will in the assessment of potential  
11 cumulative impacts? You're building some data from the  
12 ground up that you can then apply to a tool such as a risk  
13 assessment and then from the other direction you're  
14 looking at actual health consequences within a given  
15 segment of the population to see if there are increased  
16 rates of certain adverse health effects. So that if you  
17 see increased rates of adverse health effects, you would,  
18 I presume, then work backwards to see what might have  
19 caused it. On the other hand, if you see high rates of  
20 toxic exposure, it may not have manifested itself at the  
21 current time yet in the population so you would still be  
22 concerned about that and trying to determine cumulative  
23 impacts?

24 MR. FAUST: Yes. It's a complicated question,  
25 because end points like general cancer incidents and

1 mortality are multi-factorial. We're not doing an  
2 investigation to try to tie specific exposures to --

3           ADVISORY COMMITTEE MEMBER WALLERSTEIN: Let me  
4 give you an example from southern California, if I can.  
5 In our air district, we've had a concern expressed by some  
6 graduates of Beverly Hills High School about toxic  
7 exposure from an oil well that operates on their campus.  
8 And I think because of TV shows like 90210 and a lot of  
9 media attention, there were a lot of resources quickly  
10 thrown to the question of whether or not in fact there was  
11 a higher rate of cancer and also whether or not students  
12 were currently being exposed.

13           So the analysis was in my view two directional.  
14 One was to go out and take air samples and to take soil  
15 samples. The State did that and analyzed those to look  
16 for toxic exposure for the current students. And the  
17 other was to look at databases such as cancer registry and  
18 other means to try to see if there in fact was a higher  
19 rate of various types of cancer in graduates of Beverly  
20 Hills High School. So again two directional.

21           And so if you have a community that is gravely  
22 concerned about their health and you're trying to resolve  
23 whether or not the data supports that there is a  
24 difference in risk or a difference in health outcome,  
25 isn't it best to be working from both directions?

1           MR. FAUST: Yes. I guess I do agree that that  
2 is, you know, what we are doing here by talking about  
3 these population health characteristics and willing to do  
4 the other work coming to terms with exposures. So --

5           ADVISORY COMMITTEE MEMBER WALLERSTEIN: Now I  
6 just have two other very quick questions if the Committee  
7 will indulge me. And there will only be two, Barbara.

8           CO-CHAIR LYOU: We're ahead of schedule.

9           CO-CHAIR LEE: Yes, but two questions from Barry  
10 could take a long time.

11          ADVISORY COMMITTEE MEMBER WALLERSTEIN: One is  
12 kind of a question. One is kind of a comment really.

13          Again, coming to the health end points and going  
14 to things like the cancer registry and the other databases  
15 you've identified, we know that sometimes it can be quite  
16 difficult to tease information out of those databases for  
17 a particular site. Here you've done what appears to be a  
18 pretty broad geographic area. But many of the issues that  
19 have been raised to this Committee or to some of the  
20 Committee members who you know have regulatory  
21 responsibilities and authorities are much more microscale  
22 in nature as well as being vast geographic areas. And so  
23 if something is more microscale in nature, would one  
24 address that situation by maybe doing something like a  
25 preliminary survey of residents to see what sorts of



1 cancers or other health effects they might report that  
2 could be then compared back to broader data as a screening  
3 tool? And then if you had some sort of indication of a  
4 problem, then you could do a more in depth epidemiological  
5 study. Is that the sort of thing one would do to help  
6 fill some of the data gaps you've identified?

7 MR. FAUST: Well, I'm not sure I'm prepared to  
8 answer a question about whether such a microscale screen  
9 could be done with population health. I think to make  
10 certain conclusions, we would need to have a certain --

11 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'm  
12 assuming you could get a statistically significant sample  
13 size.

14 MR. FAUST: It seems possible, but I'm not  
15 sure -- are you making a suggestion that that might be an  
16 approach here?

17 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Actually,  
18 I am.

19 MR. FAUST: And is it a cumulative issue?

20 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I believe  
21 it can be. And let me first say I found your presentation  
22 very informative and thoughtful. Where I might disagree a  
23 little bit with you is the issue of microscale. And I'm  
24 not putting a definition of the size on that. But we've  
25 seen certainly in air pollution -- and I believe the same

1 would be born out in soil contamination and so on -- that  
2 you can move a few yards one way or a few yards the other  
3 way and you might pick up a very different pollutant  
4 concentration.

5           And so when examining some of these issues about  
6 cumulative impacts because of the financial limitations on  
7 our ability to sample, you know, I think there are gaps in  
8 our data that we have to find a better way to do the data  
9 collection to put the public's mind at ease that in fact  
10 we're properly characterizing the current risk. And then  
11 secondly, I personally believe that there is a place for  
12 health surveys and epidemiological studies to work if you  
13 will again backwards in the opposite direction.

14           CO-CHAIR LEE: Was that both of your questions?

15           ADVISORY COMMITTEE MEMBER WALLERSTEIN: Yes.

16 Thank you.

17           CO-CHAIR LEE: Okay. Joe and then Bob and then  
18 Diane.

19           CO-CHAIR LYOU: Okay. Barry and I are going to  
20 have a long conversation about epidemiology at some point,  
21 but not here, and the usefulness of it.

22           Are there any epidemiologists who are  
23 participating in your decision making process and framing  
24 cumulative impacts?

25           MR. FAUST: No.

1 CO-CHAIR LYOU: So we should consider that. When  
2 we talk about decisions of this Committee, we should  
3 consider the need for epidemiologists to be participating  
4 in this.

5 Some of this is maybe just language some.

6 MR. SIEBAL: Joe, Val Siebal. On that point,  
7 not at this point we don't have any epidemiologists  
8 working with John on this. But once John has formulated,  
9 you know, some thoughts and guidelines on how we would do  
10 this, I can assure you our entire department will become  
11 more involved in this. And we'll be giving his work a  
12 critical review at that point.

13 CO-CHAIR LYOU: I think it's obvious from Barry's  
14 point that information from -- input from epidemiologists  
15 would be very helpful and even at this stage of the  
16 process. So we can leave that to our discussion.

17 The inventory spreadsheet that you did is  
18 wonderful. You know I did something similar in our  
19 cumulative impacts spreadsheet. And it would be  
20 helpful -- with ours we have links to the site if you  
21 press on the right box.

22 But you identify the sources of data, but you  
23 don't actually spell out how you get to them. So for the  
24 people who would like to undertake those sort of  
25 investigations on their own, a lot of those databases are

1 available through websites. So just a recommendation  
2 would be to provide that information to people.

3           You talk about summing contributions with regard  
4 to cumulative impacts. I presume that you recognize that  
5 it's not necessarily only summing but it could be  
6 multiplicative or synergistic effects that we're concerned  
7 about too; right?

8           The transcriber will note an affirmative nod of  
9 the head on that particular issue.

10           On your discussion of the challenges, there was  
11 an interesting bullet point that said disproportionate  
12 burden difficult to establish. That actually raises some  
13 complicated questions with regard to whether or not that's  
14 what we're seeking. I think it's -- personally, I think  
15 it's dangerous to try to seek out disproportionate  
16 burdens. I think we're much better at saying, you know,  
17 look people, it's not okay for people to be exposed to  
18 cumulative impacts. And maybe we can prioritize versus  
19 those people who are facing the worst cumulative impacts.  
20 But we should not try to say it's okay for this group. As  
21 long as everyone is exposed to the same amount of  
22 pollution, it's okay. When you get into  
23 disproportionality, you could fall into that trap.

24           So I wanted to offer that opinion and see if you  
25 could clarify whether the question of disproportionate

1 burdens was one that came up through your framework  
2 process or was that a more affirmative decision someplace  
3 else?

4 MR. FAUST: Well, it's something of an area that  
5 I'm thinking that you all might provide guidance. In my  
6 question or questions that I put at the end, I was talking  
7 about whether we are doing like a thorough single  
8 communities scale assessment versus doing a comparative  
9 assessment. And a comparative assessment would get a  
10 disproportionality issue.

11 I think we do have two different types of  
12 questions. And one of them is the disproportionality  
13 question. But the other is whether we can find ways to  
14 establish some sort of threshold above which we can say  
15 that a community is overburdened. And one of those ways  
16 is by comparing it to other communities.

17 Everyone faces impacts from pollutants at some  
18 level, anyone that goes near a car or road and so forth.  
19 But it seems clear that there are areas where they do  
20 differ. So I think that's something that you all could  
21 help me with, because it sort of gets at where we're going  
22 to put this type of analysis and what sorts of decisions  
23 it will support.

24 CO-CHAIR LYOU: Great. I'm glad you thought of  
25 it in those terms. That's really helpful.

1           When you talk about implementation, it's not  
2 clear to me that you're talking about what's actually the  
3 commitments that were made in the Cal/EPA Environmental  
4 Justice Action Plan where the end product was supposed to  
5 be guidance on cumulative impacts and recommendations with  
6 regard to the need for policy, statutory, or regulatory  
7 changes. And that's not really clear in here. And it's a  
8 point that I will continue to bring up. But that  
9 commitment in the EJ Action Plan I think is vital that at  
10 some point we need to get to not only just guidance, but  
11 policy changes, regulatory changes, and statutory changes.  
12 So do you envision that the end product of this process  
13 will do that?

14           MR. FAUST: Well, I mean, I do think that we have  
15 to look at those things. I mean, that's a very broad  
16 question about, you know, how we do business to be talking  
17 about regulatory and statutory change.

18           You know, I feel like the first thing that we  
19 have to do is figure out whether and how this can be done  
20 and at what scale. You know, I do keep in mind that this  
21 Committee has identified different activities where  
22 cumulative impacts analysis can go. But you know, rather  
23 than pick one or take the time right now to survey all the  
24 possibilities for where it can be integrated, I've been  
25 focusing more on the technical aspect.

1 CO-CHAIR LYOU: I think what I'm saying is that  
2 that part is missing and needs to be fulfilled. I'm going  
3 to go back as recommended by Barbara whispering in my ear,  
4 read what is recommended in the EJ Action Plan and realize  
5 this is your Agency's Action Plan and not the Committee's  
6 Action Plan. This was a document that was developed and  
7 approved by your agency. And it says, "Cal/EPA's BDOs,  
8 boards, departments and office will accomplish the  
9 following agency-wide objectives."

10 I'm leaving out some words here and there. But  
11 one of the bullet items was, "develop guidance on  
12 multi-media cumulative impacts analysis, prevention and  
13 reduction, and recommend implementation options including  
14 proposals for policy, regulatory, and statutory changes.  
15 So that's what I'm focusing on, because I think for me  
16 that would be the most meaningful outcome of this process.  
17 So I just wanted to make that clear and try to get some  
18 clarification from you whether that would be part of this.

19 MR. SIEBAL: Joe, maybe I can clarify for you.  
20 We are still committed to what the plan says we're going  
21 to accomplish. I think what John is suggesting is we're  
22 not going to get there yet. And you do recognize that of  
23 course. But we haven't wavered from that commitment.

24 CO-CHAIR LYOU: And finally, I just would like to  
25 express my concern that I know it probably would be too

1 overwhelming a task to fill those data gaps that you've  
2 identified, and I think you've done a really good job of  
3 putting your finger on where the data gaps exist. But I  
4 want to remind everyone that the statutory requirement was  
5 that with regard to environmental justice that Cal/EPA  
6 would by December of 2003 identify and address any gaps in  
7 existing programs, policies, or activities that may impede  
8 the achievement of environmental justice. That's how far  
9 behind we are in trying to get to those issues. And I  
10 know that just identifying the gaps has been a long and  
11 cumbersome process. But there's an obligation to actually  
12 address those gaps at some point. I would hope you would  
13 agree. Thank you.

14           ADVISORY COMMITTEE MEMBER HARRIS: Do you  
15 contemplate working with other agencies to the extent it  
16 may be possible? Such as the U.S. Environmental  
17 Protection Agency I believe has done some work in this  
18 particular area. I'm not certain here in California, but  
19 certainly throughout the nation.

20           MR. FAUST: Well, I do have an ongoing dialogue  
21 with staff at Region 9 which is in San Francisco and  
22 occasionally with others at U.S. EPA. So I'm aware of  
23 their activities on this subject as well.

24           CO-CHAIR LEE: Diane.

25           ADVISORY COMMITTEE MEMBER TAKVORIAN: Thank you.



1 Thanks for the great presentation. That was really  
2 informative and seems quite comprehensive, a lot of the  
3 information that you've gathered.

4 I wanted to ask a couple questions specifically  
5 about the data that you collected. How large an area did  
6 the map represent?

7 MR. FAUST: The boundary of the study area is  
8 approximately five miles from the Parlier city limits. So  
9 I guess it would be a ten- or eleven-mile diameter.

10 ADVISORY COMMITTEE MEMBER TAKVORIAN: Okay. And  
11 where you were looking at the TRI facilities and  
12 identifying the pollutants that were released, those are  
13 pollutants that exceed the TRI thresholds.

14 MR. FAUST: Yes. I think the exception of that  
15 would be the persistent or biocumulative. But I don't  
16 know that any meet that criteria.

17 ADVISORY COMMITTEE MEMBER TAKVORIAN: So is there  
18 another database -- I know that you've identified many.  
19 But obviously there would be many other pollutants of  
20 concern that would be at levels lower than the TRI release  
21 thresholds. And I wondered how those were being compiled.

22 MR. FAUST: Well, we don't really have a means to  
23 do that. I identified, you know, the source gap as  
24 including things for which reporting is not required. And  
25 there are chemicals that are on lists and there are

1 thresholds of reporting. I don't know how we would get  
2 that information specifically.

3 ADVISORY COMMITTEE MEMBER TAKVORIAN: Would some  
4 of that come through the ARB?

5 MR. FAUST: ARB's emission inventory has lower  
6 reporting requirements for their inventories that are  
7 assembled by the air districts. So we are folding that  
8 information in as well. I just presented the TRI, because  
9 it was a smaller set.

10 ADVISORY COMMITTEE MEMBER TAKVORIAN: And for the  
11 State hazardous right to know? So there is a State  
12 database that Mike was just talking about that you could  
13 get additional information about storage and as well as  
14 materials release?

15 MR. FAUST: Did you say the name? I missed that.

16 ADVISORY COMMITTEE MEMBER DORSEY: Well, there's  
17 two areas. You could go to the various CUPAs within the  
18 jurisdiction and get the storage, generators information,  
19 but you could also go to --

20 CO-CHAIR LEE: You need to make sure your mike is  
21 on.

22 ADVISORY COMMITTEE MEMBER DORSEY: You could go  
23 to the various CUPAs within the jurisdiction and get the  
24 hazardous materials storage and generator information.  
25 And you could also go to OES. OES used to collect and I

1 think they are still collecting release information. So  
2 if there's been a release of a hazardous material or  
3 something that's in that area, that historical information  
4 would be available as well.

5           ADVISORY COMMITTEE MEMBER TAKVORIAN: My last  
6 question is kind of stimulated by Henry's comment and  
7 Barry's. I note that your second to the last bullet under  
8 technical challenges, cumulative thresholds of  
9 significance are not defined. And then you talked about  
10 comparative communities. And we're talking about risk on  
11 the one hand and health end points and outcomes on the  
12 other hand. Have you looked at all at how you would  
13 define a healthy community?

14           MR. FAUST: No. I haven't looked at it that way.  
15 You know, coming from a risk assessment background, I tend  
16 to look more at, you know, the thresholds that we defined  
17 as guidance values and cancer potencies. And in that  
18 regard, I'm not so familiar with what criteria might  
19 define healthy communities.

20           ADVISORY COMMITTEE MEMBER TAKVORIAN: Well, I'm  
21 not either. But I thought that -- I guess I think that we  
22 need to move off the disproportionate impact out of that  
23 box a little bit and to a precautionary approach.

24           So my next question would be is if we could  
25 define healthy communities, then what would be the path to

1 get there? Because it's clear that we haven't defined  
2 what the thresholds would be to say, yeah, it's too much,  
3 which is really what you're saying is we don't know when  
4 it's too much. Or we may know, those of us who experience  
5 the communities that are impacted, but we haven't  
6 officially decided that.

7           So how would we be able to define or do you think  
8 it would be a good idea to include in this a definition of  
9 what a healthy community is and what one would be striving  
10 for, rather than one that somehow comes right under the  
11 level of severe impact.

12           MR. FAUST: Well, I would be receptive to hearing  
13 a discussion of that and also have it keep in mind the  
14 definition that we've been offered that it be focusing on  
15 pollutants and health and environmental effects. So I  
16 think --

17           ADVISORY COMMITTEE MEMBER TAKVORIAN: Kind of the  
18 absence of pollutants might inform us a little bit.

19           MR. FAUST: I think that does move more towards  
20 something that builds, because healthy communities to me  
21 can mean many different things that don't necessarily  
22 involve toxics.

23           But if we can I guess find the area of  
24 commonality between the way we've talked about and the  
25 definition, that would be useful.

1           ADVISORY COMMITTEE MEMBER TAKVORIAN: One of my  
2 concerns is, and it kinds of gets to Barry's point, is the  
3 lack of reporting of a variety of illnesses including  
4 asthma and other respiratory diseases. And we don't have  
5 uniform reporting. We don't have uniform reporting for  
6 all levels of lead poisoning or lead levels. So we're not  
7 going to -- and the list goes on. So we're not going to  
8 have comprehensive data about health end points. So we'll  
9 never know that. And as long as that's very incomplete,  
10 it seems like it's going to be very difficult to be able  
11 to make the case for a community being overly burdened or  
12 just burdened in a way that's not acceptable. So I was  
13 looking for other ways we might approach it here.

14           MR. SIEBAL: I was thinking out loud. The  
15 Governor -- Val Siebal again.

16           The Governor signed a monitoring bill just  
17 recently that should provide some interesting data once  
18 that's implemented, not only on a community-wide, but  
19 individual as well. So there may be something there. I  
20 would offer that.

21           ADVISORY COMMITTEE MEMBER TAKVORIAN: In 2007,  
22 was my thought.

23           CO-CHAIR LEE: I'm seeing a whole bunch of cards  
24 here, and I think we're moving off of the clarifying  
25 question, how did you do what you do discussion and into

1 where should all this go. And I think before we have that  
2 conversation as a Committee, it would be very helpful to  
3 hear from the members of the public who wanted to make  
4 comments on this process.

5           So if you've put your card up because you want to  
6 engage in that debate over where this ought to go, could  
7 you please hold those cards until after we've taken public  
8 comment? I want to get through the clarifying questions  
9 now so we can do the public comment and then have our  
10 discussion about where we're going.

11           Milly, you're next. And then I have Mike and --  
12 Johnny after Milly, then Mike. And then, Barry, you have  
13 more questions? Okay.

14           ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Thank  
15 you. I have several questions and they deal -- with I  
16 need to be clear. You talked about having advisory groups  
17 working with you. There's you mentioned a local advisory  
18 group and then a tech advisory group. What kind of  
19 representation is that? Who are the people, who are they  
20 representing? Are they just a local advisory and who's  
21 representing the tech?

22           MR. FAUST: I guess I should -- the local  
23 advisory group and the technical advisory group are an  
24 existing body that has served to provide advice to DPR  
25 since the beginning of their pilot project which was the

1 pesticide monitoring which began in January of this year.

2 So they have existed and --

3 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Who  
4 are they?

5 MR. FAUST: The technical advisory group is  
6 comprised of people with technical knowledge of pesticide  
7 monitoring and health assessment. And they include  
8 members from Air Resources Board. And I serve on that  
9 group from Department of Health Services, as well as DPR.  
10 The local group as I recall is comprised of local members  
11 or local residents and is a cross section of those members  
12 of the public I think as well as from local government and  
13 local -- the Ag Commissioner and a few others. I probably  
14 should have brought their I guesswork group listing, but I  
15 don't have it. I'm sorry.

16 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Okay.  
17 Well, I'm concerned in terms of maybe you're not being  
18 that familiar with those groups, especially if you're  
19 getting advice from them.

20 The other question that I have--

21 CO-CHAIR LEE: Hang on just a second. DPR has  
22 come to the table, because the Parlier project is actually  
23 DPR's project. So perhaps Randy can --

24 MR. SEGAWA: Thank you. I'm Randy Segawa with  
25 the Department of Pesticide Regulation. I'm the project

1 manager for DPR's pilot project in Parlier. And the local  
2 advisory group includes approximately 15 or so individuals  
3 representing several different environmental organizations  
4 such as the Asthma Heal Project, Fresno Metro Ministries,  
5 Latino Issues Forum. We also have two or three grow  
6 representatives on the group. We have worker advocate  
7 organizations in the group. CRLA is a member. Lupe is a  
8 member. We also have local business representatives on  
9 the Committee as well as a local realtor. We also have a  
10 physician from the local medical clinic on the group.

11 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: And  
12 the tech group?

13 MR. SEGAWA: As John mentioned, there are  
14 representatives from the Cal/EPA boards and offices,  
15 representatives from Air Resources Board. In fact, Air  
16 Resources Board is assisting us with the monitoring;  
17 Office of Environmental Health Hazard Assessment,  
18 Integrated Waste Management Board, Department of Health  
19 Services. We also have several representatives from  
20 University of California. The local air district is also  
21 represented on the group.

22 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: Thank  
23 you.

24 So then the other concern or question that I have  
25 is because there was information given to us, I'm not



1 clear looking at the inventory page 3 where you're talking  
2 about agricultural sources, where it says pesticide use,  
3 what does other mean in this part? And then in  
4 occupational exposure, the same thing, other. Is that  
5 human beings?

6 CO-CHAIR LYOU: If I can interject, that's the  
7 pathway to exposure. And I'm sure the other probably  
8 means foods injection.

9 MR. FAUST: Yeah. I wanted that to include the  
10 other routes other than directly -- for example, I just  
11 had it there for like exposures from consumer products  
12 where it is directly on your skin or ingested, potential  
13 other routes that aren't as simple as air, water, or soil  
14 cosmetics.

15 CO-CHAIR LEE: Okay. Johnny.

16 ALTERNATE ADVISORY COMMITTEE MEMBER WHITE: Hi.  
17 I think you gave a very good report, but I have some  
18 concerns.

19 On page 1 of the report, you said the current  
20 approach that you use, item 1-3 you said you communicated  
21 your findings with the community. At the same time when  
22 you did the communication with the community, did you at  
23 all get the history of the community? Because we find out  
24 that if you get a history of the community, a health  
25 history, and ask the correct questions through a

1 questionnaire that you will come up with some findings.  
2 You will find that maybe 20 years ago the community was a  
3 healthier community and now it's not.

4           Also I have some concerns about your data  
5 accumulation and your findings on how you're finding your  
6 data. You're using certain -- testing for certain  
7 pathways, certain areas, certain things that we know that  
8 may be a hazard to the community, but we're talking about  
9 the unexpected. Something that may happen that may come  
10 through the community that we're not expecting.

11           And, Joe, you're talking about the epidemiology.  
12 This is where they can play an important role in helping  
13 us on this report. Because if you look at any county  
14 health services, you have an epidemiologist who will take  
15 inventory of all diseases that are effecting that  
16 community, that county. And then they will actually say,  
17 okay, this county is in the upper echelon than the rest of  
18 the county. So I think we really need to look at that too  
19 a little bit more closely.

20           And then you did your TRI facilities in Parlier.  
21 We had to take into account too that some communities are  
22 very unique, that they are surrounded by industry and more  
23 than one kind: Pesticides, petroleum, chemical. And they  
24 may be -- the community may be getting the exposures from  
25 all of these points. So I think that there should be some

1 type of way that some findings or some testings should be  
2 done in that area too.

3 MR. FAUST: Thank you.

4 I did want to respond to your first comment about  
5 I guess the important aspect of community history and  
6 their health.

7 We haven't yet brought this preliminary work to  
8 the community in this case, but it's something we hope to  
9 do in the next few months. I do think that how a  
10 community changes over time has some importance here. I  
11 mean, we have population characteristics and how they  
12 change. And Parlier, for example, is a fairly rapidly  
13 growing community. I think they've increased about 20  
14 percent in the last few years. And one of the challenges  
15 to us is to try to figure out how to deal with that  
16 information.

17 The community's perspective is certainly welcome,  
18 because no one knows them better than themselves. But I  
19 think there will be limits to how we'll be able to use  
20 certain historical information or establish with  
21 confidence for example a health status over time,  
22 particularly in a community that changes.

23 I think your comment about the concern for the  
24 unique situation where communities are surrounded by  
25 different industries of different types that emit

1 different things, I think that really is what we're trying  
2 to get at here by identifying, you know, and using  
3 geography as sort of a foundation for doing this type of  
4 analysis, what places really have burdens from multiple  
5 sources and at what point can we say that, yes, this is  
6 too much or this is inappropriate. So I think that is the  
7 direction we're trying to take this.

8 CO-CHAIR LEE: Okay. Mike and then Barry and  
9 then we're going to go to public comment.

10 ADVISORY COMMITTEE MEMBER DORSEY: I just have a  
11 brief point of clarification, Dr. Faust. You do have  
12 listed on page 2 the OES databases for accidental releases  
13 and spills. So you already identified that.

14 CO-CHAIR LEE: Thank you.  
15 Barry.

16 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Do you  
17 have a general pot of money that you can call upon in your  
18 budget to do a health survey of a community or  
19 epidemiological work or biomonitoring where there's a  
20 community that has a concern?

21 MR. FAUST: No.

22 CO-CHAIR LEE: Okay. We're going to go ahead and  
23 move to public comment now. And the first comment card I  
24 have is from Debbie Lowe, U.S. EPA Region 9. Debbie, do  
25 you want to come up and speak into the microphone so we

1 can get your comments on the webcast?

2 MS. LOWE: My name is Debbie Lowe. I'm with EPA  
3 Region 9 in San Francisco in the Environmental Justice  
4 Program. And we just wanted to express our support for  
5 this important work on cumulative impacts. I think  
6 California is really leading the nation in trying to  
7 tackle these difficult issues. And we support that. And  
8 I'll do anything I can to support those efforts.

9 I just wanted to very briefly share some of the  
10 work that EPA is doing in one of the data gaps that John  
11 mentioned, and that's this issue of vulnerability. EPA is  
12 awarding a grant to Rachael Morello-Frosch, Manuel Pastor,  
13 and James Sadd to look at vulnerability indicators and the  
14 relationship between traffic related air emissions and  
15 adverse birth outcomes. And it will specifically look at  
16 these vulnerability indicators and see how they strengthen  
17 or how they're related to the relationship between  
18 traffic, air pollution, and adverse birth outcomes. So I  
19 think that will help fill one of these data gaps.

20 We haven't awarded this contract yet, but  
21 hopefully it will be awarded any day now. And as many of  
22 you know, this builds upon the work that's being done with  
23 the same researchers and ARB.

24 Also EPA is developing an issue paper on this  
25 issue of vulnerability, and it's going through its final

1 reviews and hopefully will be published later this year.  
2 And that will be a comprehensive lit review of what's out  
3 there and written on vulnerability.

4           And finally, the environmental health tracking  
5 program which is also a partner in this EPA project that I  
6 mentioned, they have finished their planning phase of  
7 environmental health tracking. And they recently received  
8 a multi-year grant from the CDC to do implementation. And  
9 in addition to addressing the core functions that CDC  
10 requires them to do in this implementation grant, they've  
11 decided to have a special project that will focus on  
12 vulnerability and build on EPA's work and CARB's work. So  
13 I think that's really exciting. And I know it doesn't  
14 answer the question right now, but hopefully in the next  
15 year or two we'll be able to have more science behind this  
16 issue and how to address it for communities. Thank you.

17           CO-CHAIR LEE: Thank you for your comment,  
18 Debbie.

19           The next question or comment -- actually, it's  
20 combined -- that I have one that has come in over the  
21 webcast from Amy Cohen. She's with the Bay Area  
22 Environmental Health Collaborative and Environmental Law  
23 and Justice clinic. And she sends in, "I assume the OEHHA  
24 presentation will provide an update of the Agency's  
25 progress in developing guidance for evaluating cumulative

1 impacts from multiple pollutant exposures. When can we  
2 expect this guidance to be finalized and what form will it  
3 take? More specifically, will the guidance provide  
4 Regional Air Quality Management Districts with a  
5 methodology and tools to evaluate multiple pollutant  
6 exposures. And if so, by when?

7 MR. FAUST: Okay. The answer on when for the  
8 guidance is, well, not soon. I think, you know, we have a  
9 lot of work to do on this pilot project and basically  
10 taking it through the process to learn lessons about how  
11 the guidance might be constructed and what we might do  
12 with it.

13 I can't really see having I guess what I might  
14 call guidance that allows somebody to take it through the  
15 process at the end of next year. But perhaps, you know,  
16 we would have some sort of structure for how to conduct an  
17 analysis by then.

18 With respect to the particular application that  
19 was referred to in the comment, it remains to be seen what  
20 activity we might be putting this into.

21 CO-CHAIR LEE: And next I have Amy Kyle from U.C.  
22 Berkeley followed by LeVonne Stone.

23 MS. KYLE: Hello. My name is Amy Kyle, and I'm  
24 with the School of Public Health at U.C. Berkeley. Thank  
25 you for giving us the opportunity to comment here today.

1           And I'm commenting from the perspective of an  
2 investigator working on issues of how to use data in  
3 policy and on environmental public health tracking. We  
4 have one of the National Centers of Excellence in that  
5 area, and we're dealing with a lot of these same issues.  
6 You know, this question of how you understand the multiple  
7 things that impact on the health of communities is a  
8 question that everyone is wrestling with. And it's very  
9 important with regard to health disparities, because we  
10 know that health disparities are real, and we know that  
11 there's an environmental component to that. And the  
12 evidence base for that just gets stronger every year. So  
13 if we thought we knew it two years ago, we're more sure  
14 this year.

15           So what are we going to do about that? We're  
16 talking about these same questions in the context of  
17 tracking too. And the work that Debbie mentioned is  
18 important, the questions about how to look at  
19 vulnerability of communities along with environmental  
20 factors.

21           So in light of all that, I guess my comment or  
22 suggestion to you all is that I think we need to  
23 understand that the tools that we have for risk assessment  
24 that John and his colleagues are very expert and  
25 knowledgeable about are good in certain ways but not in



1 all ways. And they're mostly geared toward dealing with  
2 individual contaminants or pollutants and individual  
3 contents. And even in that realm, there are a lot of  
4 limitations to these methods which I won't go into now.  
5 But when we start to think about what are the factors --  
6 the environmental factors that overlay in ways that create  
7 cumulative impacts on communities, I think we need to take  
8 a step up out of risk assessment sort of methods and look  
9 at community health assessment sort of methods along the  
10 lines of what Diane was referring to.

11           There is a whole literature and community of work  
12 and practice that looks at how to assess health at the  
13 community level. And some of that has to do with  
14 environmental factors, but not all of it. But thinking  
15 about and identifying what are the big things that impact  
16 communities from an environmental point of view that can  
17 overlay in ways that create community burdens that come  
18 from outdoor sources and indoor sources and housing and  
19 transportation and all these things that we know about  
20 already, I think that can be done. I think we can look at  
21 this in a way that's credible, defensible, and that can  
22 help us think about how we can do better. But it's at a  
23 little different scale I think than what you are all  
24 talking about here today.

25           So I think John's question about what is the

1 scale of this and what is the gist of it as we move  
2 forward may be one thing to learn from the case studies is  
3 that there's some multiple scales, and maybe there's a  
4 little bit of a bigger picture here that could be  
5 addressed. So my comment to you is maybe think about  
6 identifying what are these big things that matter? And  
7 how do we see where they're overlaying in ways that create  
8 cumulative impacts? And what can we do about that?  
9 Because I think we could do that. And I think there are  
10 things that could be done at State policy level that could  
11 make a big difference and help us to move towards reducing  
12 some of these very real disparities in health that we see  
13 in communities in California and elsewhere.

14 So thank you for the opportunity to comment.

15 CO-CHAIR LEE: Thank you, Amy.

16 Next I have LeVonne Stone followed by LaDonna  
17 Williams.

18 MS. STONE: My name is LeVonne Stone. I'm the  
19 Executive Director for the Environmental Justice Network.  
20 I'm also an expert witness on environmental justice. I  
21 traveled last night on a train, to let you know how  
22 important it was for me to get here, that hit a truck and  
23 killed a guy. And we sat on the train until this morning.  
24 I got in here at 6:30 in the morning.

25 I've seen a lot about public participation and

1 how to increase it and how to make it better. I heard  
2 about it right here in this report. The process for  
3 community participation is shameful. It's still shameful.  
4 And it doesn't matter what you want to think about it  
5 about the remarks, because it is shameful. We put  
6 everything under community. We put everything under the  
7 public participation process. And then the same thing  
8 happens over and over again. You're still in the back of  
9 the bus.

10 We as communities are a little bit tired of that.  
11 We want to see some action. We are tired of the talking.  
12 Let's see some action. That's something that can be  
13 remedied. It can be remedied. It's not something that  
14 needs to be talked about over and over again.

15 Now, one other thing I'd like to say. With the  
16 policies and the actions, the resources, we have a split  
17 California. We have north and the south. We have  
18 absolutely -- well, maybe there's something going on in  
19 the north. I just don't know about it. I know that down  
20 there where I am absolutely nothing is going on. None of  
21 the policies matter or pertain to us. We have the second  
22 most contaminated site in the country. We have the  
23 household hazards. We have the diesel fuel. We have the  
24 pollution from the water. Then we have a site the size of  
25 the city of San Francisco that we have to deal with

1 contaminates coming from that site: Landfill emissions,  
2 fires, air pollution, the air that we breathe. And we try  
3 to put it in certain communities. We do have  
4 disproportionate burdens, very disproportionate burdens  
5 for communities around this country. That is the purpose  
6 of environmental justice.

7           Now, you can't take something that is an  
8 Executive Order where these words are disproportionate. I  
9 talked about this when I was on this Committee before.  
10 Maybe that's why I'm not now. But I will still continue  
11 to talk about it. There are communities that bare a  
12 disproportionate burden of toxins and health effects from  
13 these toxins. While people are here debating about how do  
14 we get this survey, how do we do this, years passed. Time  
15 passed. People are being effected. People are being  
16 hurt.

17           We have so much information. The Department of  
18 Toxic Disease Registry have compiled information that you  
19 would never be able to read in all of our lifetimes. The  
20 Center for Disease Control, the information is there. We  
21 as community people -- I know I, myself, have made it a  
22 priority to find out about toxins, how they effect our  
23 bodies. We are the experts. And we're the ones that  
24 should be talked to. We're the ones that should be at the  
25 table. We're the ones that should be dealt with on these

1 problems. This is not a game to us. It's a full-time  
2 job, unpaid. Yes, I'll say that again. Unpaid job, full  
3 time.

4           We find that we're professional. We are  
5 knowledgeable. We have data that's been compiled. We  
6 have our community members that we know. You should not  
7 be making a difference between the people that you want to  
8 hear from and those you don't want to hear from, or this  
9 body shouldn't exist, because that should be the purpose  
10 of this body existing or any other body of the government.

11           I find that the policies differ from the top to  
12 the bottom, and there is no gathering point. There is no  
13 meeting. The gaps are getting wider, not smaller. We  
14 throw out a little money over here and a little money over  
15 there, but we tell them deal with it. It never comes  
16 together. We need to bring it together. It's important  
17 that we bring it together.

18           We know where these sites are located, number  
19 one. Nobody in this room can tell me if they are the  
20 experts that they say they are that they do not know the  
21 communities are that being impacted around the country,  
22 not only impacted around the country, but impacted here in  
23 the state of California. Nobody can tell me that. Okay.  
24 There is no representation from federal facilities. No  
25 real representation, knowledge, anything concerning

1 federal facilities, especially ours, put out there to be a  
2 model. A model for what? Destruction of a community.

3 I saw the group of -- listing of gaps, source  
4 gaps, exposure gaps, toxicity gaps, cumulative effect,  
5 population vulnerability. We got all these different  
6 words for the same things. Impact of climatic change,  
7 that's your air you breathe and you can't breathe it  
8 anymore. That's a climatic change.

9 We are naming the problems over and over and over  
10 again. I have the data from the first time we met. I  
11 have the CDs. I have all the very wonderful things that  
12 we talked about and talked about implementing. And we're  
13 still talking about how do we implement these things. How  
14 do we get the job done? Okay. Nobody wants to really  
15 take directions. We listen and then, okay, somebody else  
16 knows better how to do it.

17 The breach is getting wider and wider.  
18 California is not a model for other communities, other  
19 states. If that's the case, we are in deep trouble.  
20 We've been trying this thing for far too long. We've been  
21 relying on the same system over and over again. But we  
22 talk about how can we make it quicker? How can we make it  
23 faster? How can we bond with people? Where is the  
24 bonding? I'm sitting here right now as an example of no  
25 such thing as bonding.

1 I also wanted to know what was TRI and CEIDARS  
2 facilities, if I may. That's an acronym, CEIDARS and TRI  
3 is too. And we talked about landfills and disposal sites.  
4 Those facilities are landfills and they're also disposal  
5 sites. Everybody knows that these facilities were used to  
6 dispose of toxins and contamination. So I'll stop for a  
7 minute so that you can tell me what TRI and CEIDARS is.

8 MR. FAUST: TRI is the U.S. EPA's program for  
9 compiling information on facilities that emit pollutants.  
10 They report information. And it's assembled into a  
11 database for a certain sub-set of chemicals used and  
12 emitted or transferred on site at certain volumes. The  
13 CEIDARS database is a database assembled by California's  
14 Air Resources Board which has lower thresholds, so they  
15 have essentially a more detailed level of information  
16 regarding emissions from facilities and many other sources  
17 as well.

18 MS. STONE: Okay. That sounds like to me we're  
19 also talking about federal facilities. But every time you  
20 mention federal facilities, everybody started ducking up  
21 under the table, but they're not going anywhere. Those  
22 communities aren't going anywhere. The people who live  
23 there aren't going anywhere.

24 They're also impacted economically.  
25 Environmental justice covers the whole environment of the

1 person, the people. We know what to do with lizards. We  
2 know how to move them. We know how to protect the  
3 flowers. What do we do about the people who live in these  
4 communities? That is the bottom line. And it's not how  
5 important anybody is that's sitting at this table or how  
6 much they know. Evidently, if we can get all this little  
7 knowledge together, we can probably do something. You  
8 know, my knowledge with your knowledge, whatever.

9 We sat at the table with ATSDR, went through four  
10 years of thought what we were doing that would bring about  
11 solutions to communities, all communities, not just some,  
12 trying to form a federal facilities committee. That went  
13 down the drain. Some people didn't like the idea so that  
14 we could deal with each big portion of it.

15 So we're here now in California and we're trying  
16 to do what? Bottom line. What is it we're trying to do?  
17 Are we trying to implement environmental justice in  
18 communities? Are we trying to do away with environmental  
19 justice and hide under another topic? What is it that  
20 we're doing? That's what I'd like to know. Who are we  
21 trying to get the resources for? Resources so that we can  
22 help to manage what happens to us in our communities.  
23 Resources so that the people who have more important jobs  
24 to do that don't have time for that stuff, they can get on  
25 with it. So that we won't have to keep begging all the



1 time for help. It's essentially a very simple thing, not  
2 complicated. We're trying not to -- we're trying to  
3 uncomplicate the process, not complicate the process.

4 Okay. And I have on my Hollywood glasses,  
5 because I'm putting drops in my eyes. So please excuse  
6 that if you can't see my lovely eyes.

7 The phase five development guidance. I'm  
8 assuming that that is another step that allowed you to  
9 develop guidance which we've already done about what we  
10 should do, how we should implement it so we don't develop  
11 more guidance about what we should do and how we're going  
12 to do it and make some more recommendations. Keep it up.  
13 Keep making recommendations.

14 And then I wrote down something that says better  
15 data and tools. Please, I need some of the old data and  
16 tools. If we're going to make new ones, give me the old  
17 ones and keep on going.

18 Okay. Land use and facility. Exactly what we're  
19 doing with whether it's industry, whether it's federal  
20 facilities, whether it's somebody's garbage piling up in  
21 their backyard, we're still dealing with these things.  
22 Okay. What does it say about land use and federal  
23 facilities? And then we give exemptions. The State of  
24 California gave exemptions to people because they want to  
25 build and they don't want to upset anybody. But aren't we

1 important as people? Or should we be in those decision  
2 making processes of whether or not these people should be  
3 given exemptions when there's lead in the soil and God  
4 knows heavy metals and God knows what all else. Should  
5 polluters leave saying, "We messed it up. Okay. We're  
6 cleaning it up. Here you go. Here's a report. We did  
7 it." And we put our stamp of approval on it.

8           Okay. And then we say evaluate cumulative  
9 impacts, evaluate it. We know that we have them. And  
10 we're going to evaluate them to do what? And then what  
11 after we evaluate them again? And then we inventory  
12 environmental pollution. Oh, we're going to inventory the  
13 environmental pollution from all of the studies. How long  
14 will that take? We're going to explore. We're going to  
15 characterize. We're going to -- oh, so what is the time  
16 line for entering the implementation phase, and how are we  
17 going to implement it?

18           Those are just some observations that I wanted to  
19 put forward here because we are on a tight rope here and  
20 short time lines. And I don't want to see us keep on  
21 messing around in the same pond. Something has to happen,  
22 something different. Something that's going to really  
23 benefit these communities. Thank you.

24           CO-CHAIR LEE: Thank you, LeVonne.

25           The last card I have is from LaDonna Williams.

1 MS. WILLIAMS: LaDonna Williams, People for  
2 Children's Health and Environmental Justice. I'm  
3 Executive Director. I'm also a former member of the CEJAC  
4 Committee.

5 I want to start by saying the recent report from  
6 the Investigative General's Office stated that the  
7 Agencies from that level have failed on their performance  
8 measures for communities. And as a former CEJAC member,  
9 as a community advocate, as an EJ advocate, I have to say  
10 California is right up there with them in failing. When  
11 we look at OEHHA here who takes -- I don't even know how  
12 to label it -- but just a ridiculous amount of time to  
13 come out with reports for our communities and their issues  
14 when they already have available data is, as LeVonne has  
15 said, shameful.

16 I'll save the Midway for after lunch. I  
17 understand we're on the agenda, so I'm speaking more from  
18 all of it, from the pilot projects, from the process, from  
19 dealing with OEHHA. We cannot -- and I say we meaning all  
20 of us in this room. I mean all of us on this Committee,  
21 and all of us who attempts to bring these issues to the  
22 table, we can't let these agencies get off with this any  
23 longer. It's costing our lives. It's costing our health.  
24 And it's costing our dignity. Because I'm sure we're all  
25 tired of us sitting up here having fingers pointed at the

1 inadequate actions and decisions being made and taken.

2 But I have to add CEJAC to it.

3 Because there's no way that a community should  
4 have to keep coming before you time and time and time  
5 again, understanding the CEJAC has absolutely no power.

6 So I'm going to jump all over the place. And I  
7 apologize to the transcriber, but I'm hoping you all  
8 follow me. Because this is ridiculous. So I really don't  
9 have notes other than a few little things written down  
10 here, but I'm going from the top of the head. And you  
11 already know if you interrupt me, I'm going to keep on  
12 going. So please bear with me.

13 Now getting back to the report and the  
14 performance measures and our experience with CEJAC and how  
15 it has failed, it's failed in that there's no courage to  
16 stand up and take a stance against things that has  
17 happened that has hurt our communities. We've got to  
18 tippy-toe around words and reports and things that are  
19 said to say it nicely so it's accepted. Trust me, when  
20 you're burying your family members six feet under like I  
21 have at least five of mine who have been exposed to this  
22 stuff, you're through being nice. You're through  
23 tippy-toeing around the BS of policies and the right  
24 wording and the right ways of saying things. It's time to  
25 come straight out with it.

1           OEHHA, number one, has no environmental justice  
2 elements in their projects or programs. That's a problem.  
3 And that's something that I don't really hear. DHS, the  
4 same. DHS should be at this table. We're talking about  
5 cumulative impacts and all these nice technical trendy  
6 words. When it comes down to it, I thought this Committee  
7 was formed to identify gaps and needs and issues effecting  
8 environmental justice communities. Remember the whole  
9 reason why it had to be even formed. But I thought this  
10 Committee was set up for that purpose and process. That's  
11 not what has happened here.

12           What has happened here is we've gotten stuck in  
13 meeting for the sake of meeting for the sake of meeting.  
14 And then when a new trendy word comes up, we go running in  
15 that direction. And the bottom line is you all end up  
16 being tasked with giving recommendations, suggestions, and  
17 expertise that in the end turns out to be ignored. What  
18 the hell -- excuse me. Why bother? Why bother if you're  
19 going to spend hours of expertise and time, valuable  
20 time -- this is a lot of hard hitting people in here. And  
21 I acknowledge you guys trying to make a difference here.  
22 But if the end result is you give these recommendations  
23 and stuff to these agencies and they don't take it and  
24 they throw it away, then we're all fighting, you know,  
25 playing -- what does football say? Offense and defense.

1 You're constantly on the defense trying to ward off what  
2 Agency is handing down to you.

3           Come on, people. We have to get some balls here.  
4 I'm sorry again. We've got to step it up. We've got to  
5 have enough courage to force OEHHA and Department of Toxic  
6 Substance Control and the health departments and all of  
7 these agencies that are supposed to be helping eliminate  
8 the exposures and the effects that come from our  
9 communities. And I say all of our communities, EJ  
10 communities, but everyone who has a right to breathe  
11 clean, toxic free, you know, and live in a toxic free and  
12 clean environment. So I'm talking about all of us. But  
13 of course EJ, because that's who gets swept under the rug.  
14 That's who gets ignored. We get two, three minutes, maybe  
15 five for those of us that take it, but we get a few  
16 minutes before you to bring these issues out. And in a  
17 way, it sort of feels good to come and scream and holler  
18 and then you go away and nothing happens and nothing  
19 changes.

20           And by the way, I wanted to take a little more  
21 time, because I didn't see Mr. Harris at the table. So I  
22 wanted to make sure for when he came back he'd be here so  
23 I can address it.

24           In any event, getting back to this investigative  
25 report. When we look at it and it shows that we're

1 failing on both federal and we all know state, what do we  
2 do about it as Committee members, CEJAC in particular,  
3 California Environmental Justice Advisory Board? My  
4 recommendation is that it needs to be dismantled like they  
5 did CALFED. That's another whole joke. But it needs to  
6 be undone and redone again. So start over.

7           And one thing in particular is to include people  
8 from the communities that are impacted. LeVonne should be  
9 on this Board. I don't see a black woman representing an  
10 impacted community on this Board. And I think that's a  
11 very important voice. I don't see military facilities.  
12 We understand it's the whole thing between federal and  
13 State and who has the jurisdiction. But State does do  
14 certain things on the federal site because it's located  
15 within that state. That doesn't like take extra education  
16 to figure that part out. So that voice needs to be here.

17           On top of the fact that when we put together or  
18 accept projects that come out of supposed recommendations  
19 from the CEJAC, this ended up being business as usual.

20           The pilot projects, September 11th meeting we sat  
21 here and we heard from those agencies that are supposedly  
22 spearheading the pilot projects talk about how such a  
23 success these projects are. And then guess what. You go  
24 back to them communities, and they're like, "What? Oh, we  
25 didn't know that. How could it be? We still have all of

1 these problems going on." So they're coming up here  
2 saying their process is working. Their meaning Agency  
3 once again. These pilot projects were Agency oriented and  
4 spearheaded. It wasn't that the communities sat down at  
5 the table and helped put together these projects as CEJAC  
6 had recommended.

7           That was one of the recommendations, am I right  
8 or wrong, of the CEJAC Committee was for these projects to  
9 be set up and directed and led by communities. That  
10 didn't happen either. I know CEJAC sat down and I've  
11 heard in the past you don't name specifics, but I'll name  
12 the specific people, so whatever. Mr. Lyon went through  
13 hours and hours of comparing recommendations and what was  
14 actually accepted. If you even use that as a performance  
15 level or measure for agencies and this process, huge  
16 failure again.

17           Now I can say we've gotten a little success just  
18 in the fact that we've gotten Midway on this agenda and  
19 kept it on this agenda. But that's only because I've  
20 spent all my good years sitting here at this table fussing  
21 and fighting at you guys to keep it there. I shouldn't  
22 have to do this. This is supposed to be the task of the  
23 Committee is to hear these public comments, take them into  
24 consideration, make recommendations to the IWG and Cal/EPA  
25 Secretary. And even Schwarzenegger should take the time



1 to look at the reports and see how it benefits or what he  
2 can do to help these communities that's voices are not  
3 heard and that are not getting the necessary help and  
4 resources.

5           Know this. When a CBO and a small one such as  
6 even our group gets a little bit of funding, these  
7 mini-grants as they say to produce these mini results,  
8 m-i-n-i results, that's not giving us enough tools to help  
9 get the information out to get action out to the  
10 communities that need it. Because we can't keep sitting  
11 around here talking.

12           I had a discussion with Mr. Harris the other day  
13 concerning Midway. And he has acknowledged, you know,  
14 they're willing to come to the table and discuss things.  
15 Well, they've been willing to come to the table and  
16 discuss them for 16 years. What has it resulted in?

17           You know, I use the comparison with him you look  
18 at their website and they eloquently lay out they're  
19 environmental stewards. They talk about protecting the  
20 rare birds. And I never can remember the name of the  
21 bird. I always have to ask Mr. Harris the name of the  
22 bird. But they've given millions to that. They've given  
23 millions to restoring the forests where they've burned  
24 down and given seedlings to that, millions to that.  
25 They've even joined a new climate change group being

1 environmental stewards.

2           But when it came to people -- or I should say  
3 people of color because they've settled nicely with  
4 Hinkley, white community with a few people of color, but  
5 majority white. They settled adequately with them. But  
6 we have Midway at the table still fighting and begging and  
7 pleading to get justice. That's not the way it's supposed  
8 to be. If they can consider everything from the birds to  
9 the forests to whatever these subjects are, then they  
10 certainly are supposed to be able to consider human  
11 health. Aside from what legal says. Legally, they can  
12 use every document there is from health. Oh, we set up a  
13 health clinic. Community was forced with their own money  
14 and time to research and found out a health clinic didn't  
15 exist. We were told we had relocation. That didn't exist  
16 after digging.

17           We brought these issues before CEJAC. That's my  
18 point before I go too far off. We brought these issues  
19 before CEJAC, and we were hoping that CEJAC would help us  
20 move it forward, understanding your limitations again.  
21 But the problem is why are you meeting? Why? Is it just  
22 to give recommendations and suggestions and everybody with  
23 their titles are here at the table? I'm important. I'm  
24 an environmental expert at this point without a degree.  
25 But I've brought very valuable information to you all that

1 you all have used and been able to go get funding for and  
2 do certain things as well as suggestions you guys have  
3 given.

4 But the problem is we keep going on and on. And  
5 then we get OEHHA and DTSC. We're not going to let them  
6 off the hook. We get the Air Board. We get all of you  
7 guys who have the resources to come up here and make these  
8 nice presentations that look like this whole program is a  
9 success.

10 As I said at the meeting yesterday, you know what  
11 it results to me? It's a child's story. Ever heard of  
12 the emperor's new clothes where everybody was just pulled  
13 into this whole fake thing of this emperor's fantastic  
14 clothes? And the only way you could see these fantastic  
15 woven with gold thread clothes was if you had a higher  
16 understanding or you were more, you know, intelligent than  
17 the rest. So everybody put on these new clothes mind set  
18 like they really knew what was going on. And it took a  
19 simple child's mind to say, hey, this king is naked.

20 That's the same process in my mind that's going  
21 on here. If it's not resulting in protecting our health,  
22 and our environment and especially for our communities  
23 that are literally -- not in our minds we've been told,  
24 but literally dying when we're attending funerals daily.  
25 We're getting reports daily of people that have died.

1 We've got kids being born with all kind of unspeakable  
2 illnesses. And we come before a process like this to  
3 plead and beg for help and assistance. And it's very  
4 frustrating that it's just about meeting and talking.

5           So you know, I want to say to you all other than  
6 meeting -- or I want to ask you all, other than meeting  
7 for the sake of meeting, what do you really -- and I ain't  
8 going to leave this chair until I get the answer. What do  
9 you really see the benefit of CEJAC being if it's  
10 continuing business as usual where you're sitting here  
11 giving these recommendations -- and I know there's a  
12 report, and I've got issues with that. But, you know,  
13 we'll deal with that after lunch. That you're going to  
14 give a recommendation, and then in the end it's going to  
15 be thrown away or basically watered down to a shell.

16           And then OEHHA gets to go on about their merry  
17 way and write up the reports is benefiting our  
18 communities -- or in Midway's case is going to say we  
19 acknowledge these, but they're not significant impacts.  
20 We'll leave people as they are. We get DTSC that says  
21 that site is closed. We left the dirt under the  
22 residents' units and around the parameter. And there's  
23 even toxins that are drawn in, but it's not significant  
24 impacts. Let's leave it as it is.

25           What really will this Committee do that's going

1 to really help benefit it? And I understand so I'm going  
2 to throw out some of your answer will be legislative. We  
3 understand that. You need more power. So as opposed to  
4 this being in the future with the CEJAC with it being an  
5 advisory role, that you have a power role at the table.  
6 Maybe that's part of it too. I'm willing to do my part.  
7 I'm throwing that out there ahead of time.

8 My question is what is the point of the CEJAC if  
9 it's not changing anything in our communities?

10 CO-CHAIR LEE: Since you're looking at me,  
11 LaDonna, I'll take a crack at answering your question.

12 MS. WILLIAMS: That's only because you're right  
13 in front of me.

14 CO-CHAIR LEE: I'm going to try to be really  
15 quick, because we only have a few more minutes for the  
16 Committee to have a discussion about the cumulative  
17 impacts report before we need to break, because Joe will  
18 kill me if I don't keep us on track.

19 But in answer to your question, I have to speak  
20 for myself. I can't speak for the other Committee  
21 members, LaDonna. I can say personally from the beginning  
22 of my participation in this Committee I have done more  
23 than just meet. I've put quite a lot of work into trying  
24 to bring forth the recommendations document that we  
25 brought forth when you were on the Committee. And I've

1 also put considerable effort over the last year into  
2 reviewing this site at Midway, as you're aware I know. I  
3 don't believe that there is any point in serving on a  
4 Committee that simply talks and does nothing.

5           On the other hand, this is an Advisory Committee.  
6 It isn't a regulatory body. And we can't command anybody  
7 to do anything. The best that an advisory body can hope  
8 to do is present information, positions, recommendations,  
9 data, thoughts in a compelling way to shine a light on  
10 questions that need to be asked, paths that need to be  
11 explored, actions that need to be taken, and hope that the  
12 light shining on those motivates the people who have the  
13 power to take those actions to do so.

14           But I don't think anybody at this table is  
15 interested in continuing to meet if there is no net effect  
16 of having put the effort in. And I know a number of  
17 people besides myself have put a tremendous amount of  
18 effort into trying to move this issue forward for  
19 California and for people like you who have come before us  
20 with your concerns and your questions and your requests.

21           And if other Committee members want to jump in  
22 and add to that, I would welcome your comments. But those  
23 are my thoughts in response to your question.

24           MS. WILLIAMS: And can I add in, I did leave out  
25 the hard work I know you guys have. You, yourself,

1 Barbara, spent many hours, and Mr. Dorsey. I understand  
2 the Agency folks that have really tried to work towards  
3 this effort. So I want to say that, too.

4 CO-CHAIR LEE: Mike, then Diane. Henry, when did  
5 your card come up? I'm sorry. So Mike, then Henry, then  
6 Diane.

7 ADVISORY COMMITTEE MEMBER DORSEY: I just wanted  
8 to add something, Barbara, onto what you have said. And  
9 we are an Advisory Committee, but I guess my concern is  
10 that I would like to get some feedback from the  
11 Secretary's office as to whether they accept our advice or  
12 not accept our advice. And if they do accept our advice  
13 or they don't accept our advice, I would like to know why  
14 they don't accept our advice. And that's okay. But I  
15 want some feedback. I don't want silence.

16 And to the State, I'm not sure I've received any  
17 feedback in regards to some of the advice that we've  
18 provided. So we are an Advisory Committee, but please at  
19 least let us know if our advice is acceptable or not, and  
20 why it isn't acceptable if it's not acceptable.

21 CO-CHAIR LEE: Henry and then Diane.

22 ADVISORY COMMITTEE MEMBER CLARK: Thank you,  
23 Madam Chair.

24 I didn't hear all the discussion. But in regard  
25 to the federal facilities issues, I know there's many in

1 the state of California. And they impact many  
2 communities, and they should be addressed in this process  
3 for this being an Advisory Committee. That is absolutely  
4 correct. That's what it is, Advisory Committee.

5 Yes, in my participation in Advisory Committees,  
6 not only this one but many others that I'm on, comes down  
7 to the point of weighing in the final end whether the  
8 level or the degree of improvements or relief that's being  
9 brought to the communities or progress that we make over  
10 when we started. And at any given point that I make a  
11 determination that's not the case, that is not worth that  
12 particular effort, then I wouldn't personally be there.

13 I would make a determination of that it's not  
14 going in the right direction and it doesn't look like  
15 there's any real desire for it to go in the right  
16 direction and that the improvements that is possibly being  
17 made is not really worth the effort. And I would make a  
18 determination as to whether I would continue to sit on  
19 that particular body or not. But at this particular point  
20 as far as this particular body is concerned, I have not  
21 made that determination.

22 CO-CHAIR LEE: Diane.

23 ADVISORY COMMITTEE MEMBER TAKVORIAN: Thanks. I  
24 don't know if this is in the spirit of moving forward or  
25 if it's the definition of insanity of continuing to do the



1 same thing expecting a different response. However,  
2 inspired by LaDonna's thoughts, I'd like to say I think  
3 repeatedly we, the CEJAC, the IWG, and God knows all the  
4 residents and all of us who live in communities that are  
5 impacted have said over and over again that we know a  
6 community that has cumulative impacts, multiple sources of  
7 pollution that are effecting our health and environment.  
8 Many of us experience that every day and all of what comes  
9 from that.

10 The CEJAC said in 2003 and the IWG unanimously  
11 accepted that cumulative impacts would be one of our  
12 highest priorities. That occurred in the Action Plan.  
13 Secretary Adams was here today to tell us she believes  
14 that's one of the priorities.

15 And we asked that OEHHA move forward with this  
16 project. They did. We asked that the pilot projects  
17 incorporate it. We know that DPR has done that. I don't  
18 know if the other pilot projects have done that. I'd like  
19 us to take some action. And in the spirit of Mike's  
20 thought, I'd like to get an answer within a period of  
21 time.

22 So I'd like to make a motion that the CEJAC  
23 recommend that we establish a Subcommittee of the CEJAC to  
24 address cumulative impacts and that we talk about the  
25 composition of what that would be. But it would be if

1 there are other pilot projects that have done this work,  
2 they could join that. If DHS as was suggested should be  
3 in this, other agencies should be in it as well. And that  
4 it definitely include public participation from impacted  
5 communities.

6 That we ask for \$250,000. That Cal/EPA find that  
7 money for the year 2007 to add additional staffing. I  
8 mean, I can critique what OEHHA has done, but my  
9 understanding is they don't have adequate resources to do  
10 the job. They don't have adequate resources for us to  
11 meet, never mind a Subcommittee. If we're going to  
12 address this, I think we need a Subcommittee that can get  
13 together, get on the phone, meet in person, get data when  
14 we need it, do all the things that you need to do in order  
15 to make something happen.

16 That we then report on that Subcommittee by  
17 September of 2007. That we have public meetings around  
18 these policy recommendations. And that we have policy  
19 recommendations ready by December of 2007. And that we  
20 get on with it. If we can't do it in a year -- I think  
21 Amy was right. We know a lot. I've heard -- I'd  
22 volunteer her for this Committee. I think U.S. EPA has  
23 said they want to participate. I know there's a lot of  
24 community members in this room who are experiencing this  
25 every day. They want to participate. Let's do it and see

1 where we get to by the end of 2007. That's a motion.

2 CO-CHAIR LEE: Can you repeat the motion from  
3 where you say report on the Subcommittee's activities in  
4 September of '07? Where did it go after that?

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: Report with  
6 the guidance. I think John was calling it guidance and  
7 policy recommendations to the CEJAC and IWG by September  
8 of '07. Then have public meetings where we gather public  
9 input about this. And have CEJAC have policy  
10 recommendations completed by the end of '07. So that if  
11 we are interested in legislation, we have the ability to  
12 do that in January of what would be '08.

13 CO-CHAIR LEE: Okay. Do we have a second?

14 ADVISORY COMMITTEE MEMBER CLARK: I would second  
15 the motion to further the discussion on it.

16 CO-CHAIR LEE: Okay. Now I was busy writing down  
17 the motion. You're going to have to help me out, Barry,  
18 Martha, who put the card up first?

19 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I  
20 did. Well, this brings up another issue. The last  
21 meeting when we actually voted to vote in the  
22 recommendations of September whatever year that was, we  
23 had a table that was developed that looked at what things  
24 could actually be done by Agency. We spent a lot of time  
25 balancing this idea that there's immediate problems that

1 we have to solve with the idea of developing policy that  
2 would prevent problems in the future. We've not done a  
3 good job of actually looking at those low lying fruits  
4 that we talked about at many meetings. I'm a little  
5 concerned as well about what the status of those are.  
6 There were things that could be done at the Agency level  
7 that I thought if we looked at actually could go a long  
8 way in alleviating immediate problems.

9           My other concern I want to put out is that after  
10 spending this much time, there has been very little that  
11 has seeped down and done any kind of sort of -- even at an  
12 intellectual level, some sort of change in the way  
13 agencies work, the culture. And we need to figure that  
14 out. Otherwise, we continue to have what LaDonna talked  
15 about is reports that don't take into account precaution.  
16 We still have ways of agencies functioning that don't  
17 resolve immediate problems for communities.

18           So I want us to go back to that matrix and really  
19 ask what can we do immediately? And what's going to take  
20 legislation? But there's a lot of stuff that can be done  
21 now. And we should not forget that.

22           CO-CHAIR LEE: Barry.

23           ADVISORY COMMITTEE MEMBER WALLERSTEIN: Could we  
24 have this motion either typed and projected on the screen  
25 or typed and handed out to the members? I'm very

1 uncomfortable with a detailed motion like this that comes  
2 up in this manner that is asking the State to spend a  
3 quarter of a million dollars when there may be other  
4 priorities for that quarter million dollars or other  
5 things that might not be done and to do it without having  
6 it in writing in front of me.

7 CO-CHAIR LEE: We'll try to get a copy of it in  
8 writing, although I will point out at our meeting in  
9 November last year down in your offices we did actually  
10 form an Ad Hoc Subcommittee that was sent to speak to then  
11 Secretary Lloyd requesting that a Subcommittee be formed  
12 and that funding be given to it.

13 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Barbara,  
14 as you know as a government official, there are all kinds  
15 of obligations we all have in the area of contracting and  
16 how moneys are expent and processes we go by for selecting  
17 between competing needs. And so I guess I'd like some  
18 clarification here as to the motion. I think something of  
19 this magnitude should at least be in writing.

20 CO-CHAIR LEE: Okay.

21 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Does the  
22 counsel have an opinion on any of this?

23 ADVISORY COMMITTEE MEMBER OKUN: I don't think  
24 there's any requirement the motion be in writing. But  
25 it's important the Committee understand what it's voting

1 on. And if the Committee thinks that's necessary, then I  
2 certainly think that's appropriate.

3 I also have a question on whether the motion is  
4 limited to the cumulative impacts issue that is on the  
5 agenda that's before the Committee.

6 ADVISORY COMMITTEE MEMBER TAKVORIAN: Yeah.

7 CO-CHAIR LEE: Here's what I'm going to do. I'm  
8 going to have Joe speak next, because his card was up  
9 next.

10 And Henry, is your card up again or is it still  
11 up?

12 ADVISORY COMMITTEE MEMBER CLARK: It's up again.

13 CO-CHAIR LEE: Okay. So after Joe -- Diane, is  
14 yours up again or still up? And Martha, is yours up  
15 again?

16 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Yes.

17 CO-CHAIR LEE: After Joe, we're going to do Henry  
18 and Martha. And Joe, if you can when you're done speaking  
19 get through that, I will try to type this motion up.

20 CO-CHAIR LYOU: We have two, maybe three people  
21 doing that.

22 MS. WILLIAMS: And this is just for  
23 clarification. You're still answering my question or are  
24 you guys doing a motion?

25 CO-CHAIR LEE: I think we're transitioning into

1 the Committee's discussion, but thanks for kicking us in  
2 that direction.

3 CO-CHAIR LYOU: But first of all, I couldn't  
4 agree with you more, LaDonna. If we're got not getting  
5 anything done here, we shouldn't be here. I totally agree  
6 with you. And I think we have to think very carefully  
7 about that.

8 ADVISORY COMMITTEE MEMBER TREVINO-SAUCEDA: I  
9 want to make sure that we're all clear in terms of what  
10 LaDonna was talking about. At the same time, some of us  
11 differ in terms of the people that are representing this  
12 Advisory Committee are part of the communities that are  
13 being effected. So please be careful when you're  
14 directing certain things that are not appropriate.

15 MS. WILLIAMS: I appreciate that because  
16 remember -- I think I was on the Committee before you  
17 were. And I removed myself because of issues like this.  
18 So I'm fully aware of who it is. But when you do look  
19 around the table, you don't see a black woman from these  
20 impacted communities on these table. That's a fact.

21 CO-CHAIR LYOU: I don't have a problem with  
22 looking at this motion in writing as Barry has requested.  
23 I guess I'm a little -- I don't know if the right word is  
24 confused or put off or irritated or I don't know what.  
25 But in the context of how much resources gets spent

1 through this Agency and will be spent by this Agency on  
2 issues like global warming where there will be billions of  
3 dollars spent over the next few years, I think asking for  
4 a quarter of a million dollars to deal with the most  
5 important environmental justice issue in the state of  
6 California is really a drop in the bucket.

7 I'm very supportive of this motion. And I think  
8 that this is a very minimum step to take to push Cal/EPA  
9 in the direction it needs to go for us to actually have  
10 real accomplishments. And I have spent many years on this  
11 Committee and have reached a point of utter frustration in  
12 the lack of tangible accomplishments.

13 I believe I'm now Chair. I have to look at her  
14 list that says Henry is next.

15 ADVISORY COMMITTEE MEMBER CLARK: Thank you.

16 Well, in regard to the motion, I'm not concerned  
17 if the motion is in writing or not. I understand the  
18 motion and support the motion.

19 But I guess that I'm concerned about the  
20 breakdown on the budget in terms of if those resources  
21 were approved, what would they be earmarked for. And  
22 hopefully that will come out in the discussion of the  
23 motion.

24 In regard to the whole issue of the promoting  
25 environmental justice within the state of California



1 within the agencies, you know, there is a need for some  
2 culture change. Unfortunately, the state of California  
3 does not really get environmental justice. And that goes  
4 not only from CALFED, which is not part of the Cal/EPA  
5 agency, but still have some serious problems as well as  
6 all the way up to the Governor's office, to be honest with  
7 you. Because as much work as many of us did in supporting  
8 and working on the climate change initiative, you know, I  
9 mean, at the sign-in ceremony of the bill, I seen pictures  
10 in the paper and I didn't identify any Afro-Americans or  
11 blacks in there at that ceremony or -- well, I don't know  
12 if there was -- did you cut off my mike, man?

13 CO-CHAIR LYOU: No.

14 (Laughter)

15 ADVISORY COMMITTEE MEMBER CLARK: I didn't really  
16 identify any people of color at that sign-in ceremony.  
17 And here again, you know, those of us who have been  
18 following the issue very well again know that climate  
19 change here again effects communities of color in a  
20 disproportionate way.

21 So you know, the understanding of environmental  
22 justice somewhere is getting lost. There is a need for a  
23 culture change. I wouldn't have -- I would not be signing  
24 any bill around environmental justice or that related to  
25 environmental justice period if I didn't have some of the

1 people that -- especially the ones that were  
2 disproportionately impacted there in the process.

3           So you know, there is still a whole lot of  
4 nonsense here that's parading around under the name of  
5 environmental justice in this state from the Governor's  
6 office all the way down.

7           Now I'm saying this, Mr. Governor. And I know  
8 you made quite a few movies and beat up a lot of people in  
9 those movies. But you know, I'm saying this anyway. You  
10 know, those are the facts.

11           CO-CHAIR LYOU: I believe there was a point of  
12 clarification in the comments of what would the money be  
13 used for. And I forgot that I was going to actually ask  
14 the same thing. For example, would the money be used to  
15 help pay for travel for those members of the Subcommittee  
16 who cannot afford to travel? So --

17           ADVISORY COMMITTEE MEMBER TAKVORIAN: I think we  
18 need to ask for a budget to be developed. I mean, I put  
19 out 250. Maybe it's more. I don't know. So John may  
20 want to weigh in on this. Because I know over there he's  
21 calculating. But based on his --

22           CO-CHAIR LEE: Based on his expression, John may  
23 not want to weigh in.

24           ADVISORY COMMITTEE MEMBER TAKVORIAN: I think it  
25 absolutely should be whatever it takes to enable the

1 Subcommittee to meet and be effective. And certainly that  
2 includes folks who come from communities where they don't  
3 have the resources to travel. So I think we should make  
4 those available.

5           We should have the ability for folks to access  
6 data if that cost dollars, to be able to access other  
7 resources. I mean, some folks have suggested sampling  
8 might be appropriate. If we need to do that, those should  
9 be included. I don't know. I think a program needs to be  
10 developed, and I want to have enough money in there that  
11 we can do a program. So others may think there is  
12 additional moneys.

13           As long as I have my mike on, I don't think we  
14 have -- Barry, no one has given us a budget. If we had a  
15 million-dollar budget and we had to decide for 2007 how we  
16 would spend those dollars, then I think that you're -- I  
17 could respond better to your comment. But since we don't  
18 have a budget, maybe that should be the motion first, that  
19 we get a million-dollar budget and then we decide how to  
20 allocate it. Maybe that's what should happen to make this  
21 real. But I think we should ask for what we think we  
22 would need to get through 2007 and have a decent product  
23 that has a chance of protecting our communities.

24           CO-CHAIR LYOU: Great. Thank you. I'm going to  
25 turn the Chair back over to Barbara who can now call on

1 Martha.

2           ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I  
3 have a couple of clarifying questions.

4           Who could be on the Subcommittee? And how is the  
5 community participation going to be ensured in those  
6 Subcommittees?

7           CO-CHAIR LEE: I think the answer to that is our  
8 bylaws dictate a Subcommittee has to be smaller than a  
9 quorum of the Committee and that the representation on the  
10 Subcommittee is balanced relative to the representation on  
11 the Committee. But there can be outside members.

12           ACTING ADVISORY COMMITTEE MEMBER ARGUELLO:  
13 That's great then.

14           When I had made my comments -- and I'm really bad  
15 at Robert's Rules and introducing motions, so maybe Diane  
16 and Joe can help me out.

17           I would also like for there to be a Subcommittee  
18 or could be added to this to go back and look at the sets  
19 of recommendations. We had near-term, long-term, and  
20 medium-range goals, and that we go back and look at those.  
21 Because we're not moving on any of those things that -- we  
22 identified those low lying fruits. I'd like to see that  
23 incorporated somehow that the Committee goes back to those  
24 recommendations.

25           CO-CHAIR LYOU: Comment or clarification. I

1 don't think it's Robert's Rules of Order that's going to  
2 limit you on this. I think it's Bagley-Keene, which says  
3 we can't take up things that aren't on the agenda. Your  
4 motion, if that were to be a motion, goes beyond  
5 cumulative impacts. But I think it's something we should  
6 put on the agenda for our next meeting.

7 CO-CHAIR LEE: We can probably agendize it for  
8 discussion at the next meeting. Have the table. I did a  
9 lot of the --

10 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: As  
11 long as we don't have to wait a year for the next meeting.

12 CO-CHAIR LEE: I did a lot of the legwork on the  
13 table and still have it and can make sure it's  
14 distributed.

15 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I've  
16 been reading it a lot lately.

17 ADVISORY COMMITTEE MEMBER TAKVORIAN: Could we  
18 include in the Subcommittees's work identification of the  
19 short-term items from the matrix that relate to cumulative  
20 impacts? At least we can get those off of there and into  
21 this work.

22 Martha.

23 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I'm  
24 sorry?

25 ADVISORY COMMITTEE MEMBER TAKVORIAN: We can grab

1 the short-term items off the matrix that do relate to  
2 cumulative impacts and ask the Subcommittee to include  
3 those in their work.

4 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Okay.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: So at least  
6 we get those goings.

7 CO-CHAIR LEE: Henry, are you okay with that  
8 change to the motion?

9 ADVISORY COMMITTEE MEMBER CLARK: Could you  
10 repeat that?

11 ADVISORY COMMITTEE MEMBER TAKVORIAN: To  
12 incorporate the view of the short, medium, and long-term  
13 actions that were identified as part of the 2003  
14 recommendations on cumulative impacts to be considered.

15 ADVISORY COMMITTEE MEMBER CLARK: Yeah. Yeah.

16 CO-CHAIR LEE: Okay. I have Mike and then Barry  
17 and then Shankar.

18 ADVISORY COMMITTEE MEMBER DORSEY: This may go  
19 beyond the cumulative effects discussion, and so it may  
20 have to be something that may be tabled to another  
21 meeting.

22 But I'm kind of wondering what Shankar's budget  
23 is and what the environmental justice budget is for  
24 Cal/EPA departments. And is there a line item for  
25 environmental justice. And I mean, if we're going to talk

1 about funding, I think it should be a broader discussion  
2 as to if this is an important issue, there should be a  
3 line item maybe in the budget for Shankar as well as the  
4 other BDOs.

5 CO-CHAIR LEE: We actually did vote on that last  
6 November, and the Ad Hoc Subcommittee did carry that  
7 recommendation to -- well, ultimately it was to Linda  
8 Adams just a few weeks ago. Because before we could meet  
9 with Alan Lloyd, he retired. So we did carry that forward  
10 and talk about the importance of having an overall funding  
11 package for environmental justice in the agency.

12 And Shankar, if you want to speak to any of the  
13 specifics, you can. But I think what Diane is looking for  
14 is something focused to ensure that this project gets  
15 priority and moves forward.

16 ADVISORY COMMITTEE MEMBER DORSEY: I certainly  
17 understand that. I don't want us to lose sight of the  
18 fact there should be a line item for environmental justice  
19 somewhere within the State budget.

20 ADVISORY COMMITTEE MEMBER PRASAD: Thanks, Mike.

21 There's no line item for the budget. And all we  
22 do is -- all the pilot projects and the actions have been  
23 absorbed into what our regular budget is. And that has  
24 been one of the -- as we have embarked on these pilot  
25 projects and moving along, we have found it needs more

1 resources and it needs more time. And certainly the time  
2 frame we put together -- I mean, one is a strategy as a  
3 long-term goal and what we want to achieve and Action Plan  
4 as a short-term low-hanging fruit, that was the plan of  
5 action. And for both, we have just absorbed it in our  
6 current operational budget.

7 And that's one of the reasons -- and in the  
8 legislation that passed including just this grant part of  
9 it also did not have any kind of a budget attached to it.  
10 And only -- but still we have managed after a couple of  
11 years' time, we did manage to get about \$300,000 in the  
12 grant last year. And this year also we will be issuing  
13 the grants within our operational budget.

14 And one clarification I have about the motion you  
15 have put is that as the current EJ Action Plan states is  
16 that the guidance will be developed by the OEHHA. And  
17 then what the Subcommittee came and asked is to form a  
18 Subcommittee which includes some CEJAC members as well as  
19 outsiders. But eventually the development of the guidance  
20 will be from the OEHHA with the input from this Committee  
21 and the Subcommittee part, whichever way we bring it back  
22 to you next time we meet which is how we respond to this  
23 motion. But I want to clarify right now it says it will  
24 be the CEJAC's guidance.

25 CO-CHAIR LEE: Shankar, can you repeat that?



1 Right now it states what?

2 ADVISORY COMMITTEE MEMBER PRASAD: CEJAC  
3 guidance.

4 CO-CHAIR LEE: Just for clarification, is it the  
5 CEJAC guidelines or the OEHHA guidelines that are  
6 currently?

7 ADVISORY COMMITTEE MEMBER PRASAD: Currently, the  
8 guidelines will be developed by OEHHA.

9 MS. WILLIAMS: I realize public comment is over,  
10 but are we not allowed to ask any further questions?

11 CO-CHAIR LEE: I think we're into Committee  
12 discussion now, LaDonna.

13 MS. WILLIAMS: Can I interject? If OEHHA is  
14 leading it and they have no EJ element in their programs,  
15 how does that work out? I don't want you to forget that.

16 CO-CHAIR LEE: We'll get to that.

17 ADVISORY COMMITTEE MEMBER TAKVORIAN: My  
18 understanding is that OEHHA was working to fulfill the  
19 Action Plan based on the 2003 recommendations and that as  
20 other BDOs are doing are working to fulfill the  
21 recommendations of CEJAC. So it's a CEJAC Subcommittee  
22 that's staffed by OEHHA. And we're trying to get some  
23 help for you. You're not smiling.

24 MR. SIEBAL: We appreciate all that's been  
25 discussed here on this. And you know, we could use more

1 resources. Everybody could in these projects. And when  
2 we first started down this path, we thought we would have  
3 access to more resources and that hasn't come about yet.

4 So what we've done is, as Shankar has presented  
5 here, we continued to look for new resources. But at the  
6 same time, given what we've got, we've had to extend the  
7 time line, which happens a lot in government in order to  
8 get done what you need to get done. So we're working with  
9 the resources we have right now.

10 The \$250,000 you suggested, I don't know where  
11 that would come from, but that would move the project  
12 forward. But we've done some preliminary calculations  
13 that indicated it would be more than that that would be  
14 necessary. And certainly for some of the things you've  
15 discussed, it would be more. So I'll leave that to you  
16 all to take this to wherever you're going to go with it.

17 CO-CHAIR LEE: Thanks for that help.

18 ADVISORY COMMITTEE MEMBER TAKVORIAN: How much?

19 CO-CHAIR LEE: I don't think --

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: We're doing  
21 something today.

22 MR. SIEBAL: I think you have to decide how many  
23 community meetings you wanted, all the things you just  
24 discussed which were all things that would be necessary.  
25 I don't know -- we probably need to sit down and talk

1 about that a little bit and have more of a discussion I  
2 think as Barry and others have discussed. And it's a good  
3 first start, but I think it does need a good flushing out.  
4 Shankar probably has some thoughts on that as well.

5 CO-CHAIR LEE: Hang on just a second, Shankar.  
6 We're losing -- I'm losing my order of people speaking. I  
7 think, Barry, your card is up. Is your card up again,  
8 Henry?

9 ADVISORY COMMITTEE MEMBER CLARK: Yeah.

10 CO-CHAIR LEE: So it's going to go Barry,  
11 Shankar, and Henry.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Could I  
13 get a clarification as to exactly what this Subcommittee  
14 is going to do? To the maker of the motion.

15 CO-CHAIR LEE: Give it a shot, Diane.

16 ADVISORY COMMITTEE MEMBER TAKVORIAN: It seems to  
17 me that we've expressed numerous times we want guidance  
18 and policy related to cumulative impacts to be developed  
19 that can be applied on the ground and that we've said  
20 numerous times that we understand there may be a long  
21 scientific path to the real -- or I don't know if it's  
22 real, but some cumulative impacts, scientific formula.  
23 But that there's on-the-ground-work that can be done to  
24 improve the health of people in real communities soon,  
25 sooner than the full scientific approach could be

1 developed.

2           So my thought was that if we could use the wisdom  
3 and the science and the experience of OEHHA along with  
4 those of other governmental agencies, academic  
5 institutions, community organizations, and residents  
6 together to develop on-the-ground guidance which is  
7 something else we talked about in October of 2005 to come  
8 up with guidance that the other BDOs could use, that  
9 municipalities could use, that communities could use,  
10 that's what I think the Subcommittee should do, is develop  
11 basic guidance on how you utilize cumulative impacts and  
12 how it would -- you could utilize it with other policies.  
13 And if some new policies need to be developed, that there  
14 would be recommendations for those policies.

15           ADVISORY COMMITTEE MEMBER WALLERSTEIN: I can  
16 certainly understand the reason for the motion. And I  
17 kind of note from a number of Committee members and now  
18 I'll add my name to the list a significant level of  
19 frustration as to what was contained in our main  
20 recommendations and where we are today. And I don't know  
21 when my term is up. I don't know if it's coming up soon.  
22 But like everyone else, I think we all have to ask  
23 ourselves the question about whether they don't need new  
24 blood here or whatever.

25           But I'm concerned that your motion won't

1 necessarily end up ultimately doing what I think you're  
2 trying to do. And at least it's my understanding, you  
3 know, of the State budget process that they initiate and  
4 they go through their discussions this time of year and  
5 then the Governor puts out his budget and the resources  
6 are defined and all that. I think in part what one wants  
7 to do is try to influence the budget process, which means  
8 convincing the Secretary to alter her budget requests that  
9 goes to the Governor for approval.

10           And I can't support the motion as it's written,  
11 but I can support a motion to have a Subcommittee. I can  
12 support a motion that looks at what was originally  
13 recommended by this advisory group versus where we are  
14 today and where the gaps are and where the concerns are  
15 about time line. I can support a motion having the  
16 Subcommittee develop a set of recommendations for  
17 augmentation of the work that is currently being done by  
18 Cal/EPA and bringing that back to the full Committee for  
19 approval and involving the public in gathering some  
20 suggestions about how those enhancements can be done. And  
21 I can also support requesting adequate budget resources to  
22 gather the information, have Subcommittee members travel  
23 to the meetings as necessary if they don't have their own  
24 financial resources.

25           But I think if you just say 250 or pick any other

1 number, it doesn't necessarily do the trick. And I can't  
2 envision as someone who administers on a day-to-day basis  
3 a fair-sized organization that OEHHA and the other Cal/EPA  
4 agencies in response to our recommendations have taken a  
5 path, whether we like that path, whether we would have  
6 done the same thing. For better or worse, they're on a  
7 path. And I can't see them stopping their existing  
8 studies or reversing direction. They obviously thought  
9 they were doing the right thing. But that doesn't mean  
10 that you can't reasonably argue that there are some  
11 near-term things that can be done and brought to bear and  
12 that adequate resources could be brought to enhancing the  
13 efforts that they have underway.

14 MS. STONE: I'm spearheading a writing campaign  
15 from these communities to push anybody to do whatever  
16 needs to be done to make environmental justice a reality.

17 CO-CHAIR LEE: LeVonne, the Committee is way over  
18 time right now, and we need to come to closure on the  
19 motion that Diane has on the table.

20 Okay. Henry.

21 ADVISORY COMMITTEE MEMBER CLARK: Okay. Well, in  
22 regard to the issue of the amount there, you know, I mean,  
23 you know, raised the question that that amount may not  
24 necessarily from what I'm hearing be adequate to address  
25 the concerns that we're trying to get to. I don't know if

1 that means that taken out of a reference to a particular  
2 amount and add in some language of adequate funding would  
3 deter from where we're at since we don't really have  
4 the -- a specific sense of what the appropriate amount of  
5 money would be. But so that's one issue.

6 And the other is that, you know, in regard to the  
7 research, in regard to the path that things are going now  
8 and all of that, you know, we just dealt with this issue  
9 as part of a CALFED, you know, which the whole same type  
10 of nonsense come up about, well, environmental justice,  
11 you know, has been tossed peanuts, and now there's not  
12 adequate funding to really make any environmental justice  
13 happen within CALFED.

14 And you know, here we're dealing with the same  
15 thing, you know, which is not consistent with  
16 environmental justice. Everything we've done has come  
17 down to resources, come down to money. And then it always  
18 ends up being the stumbling block. And that's another  
19 environmental injustice. You know that. Well, you know,  
20 we don't have the adequate -- well, we agree with what  
21 you're saying, but we don't have the adequate funding to  
22 do it.

23 Well, that still ends up in the final end just  
24 being another excuse to stall environmental justice, and  
25 we should not accept those excuses. We know there's a

1 process. There's a budget process and all of that, you  
2 know. But at this particular point if we plan to go  
3 forward and we know that we need adequate funding to do  
4 so, then we need to tell the Secretary Adams and whoever  
5 the Governor, whomever else, that we need to go to the  
6 Legislature and we need to write in environmental justice  
7 to include in the Agency budgets so that we will have  
8 adequate resources. Because we can't let that stall out.  
9 If the Legislature is really concerned about environmental  
10 justice, which they're the ones that passed the laws in  
11 the first place supporting environmental justice, they  
12 know better than anyone else that it needs money to carry  
13 out things, you know. And so that's what we need to do.  
14 But to accept some excuse as, well, we don't have the  
15 resources, you know, that's really unacceptable right  
16 there.

17 CO-CHAIR LEE: Okay. I'm sorry. I skipped over  
18 Shankar and then Lori. You also have -- Shankar, you said  
19 what you needed to say. Lori and then we're back to Diane  
20 again. Okay.

21 ADVISORY COMMITTEE MEMBER OKUN: I just want to  
22 recommend that you make a clarification to the motion  
23 before you vote on it so it's consistent with Diane's  
24 intent and with the agenda notice. So it says form a  
25 Cumulative Impact Subcommittee.



1 CO-CHAIR LEE: Thank you.

2 All right, Diane.

3 ADVISORY COMMITTEE MEMBER TAKVORIAN: I think  
4 it's important that we really capture what folks feel like  
5 you want to accomplish. So I appreciate Barry's thoughts  
6 about this and wonder if language like request that  
7 Secretary Adams allocate at least \$250,000 to provide  
8 resources to OEHHA and CEJAC to develop cumulative impacts  
9 guidance and policy. Activities would include, but not be  
10 limited to, formation of a Cumulative Impact Subcommittee,  
11 which would evaluate the pilot project work that OEHHA has  
12 done as well as other information and would be comprised  
13 of CEJAC members and others, and then the rest of the  
14 bullets.

15 Does that get at some of what you were thinking  
16 about, Barry?

17 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I also  
18 don't want us to -- we need to come to closure here, but I  
19 don't want to do it in a manner that doesn't accomplish  
20 what you're trying to -- what I think you're trying to,  
21 number one. Number two, I don't want the Midway Village  
22 issue not to have time. So I'm -- and I don't care if I  
23 go without lunch today. Okay. I did it yesterday. I can  
24 do it today.

25 But I think one of the things, Diane, that it

1 would be helpful to define in a motion may be done swiftly  
2 is you want to specify very specifically I think what the  
3 Subcommittee is going to do in terms of what do you really  
4 expect out of that Subcommittee.

5           One of the things I believe I hear is you want to  
6 go back to the original recommendations. We've heard  
7 progress report after progress report on what Cal/EPA is  
8 doing in these pilot projects. And for lack of a better  
9 term, I think a number of us see gaps in terms of what we  
10 originally intended and where they are today and how long  
11 it's going to take them to complete their project and get  
12 to yet another product.

13           And so the way I would phrase it if I was at my  
14 agency is I would say what we want this Subcommittee to do  
15 is do the comparison of the original recommendations to  
16 the status of the pilot projects, and then propose early  
17 action enhancements to cumulative impact assessment  
18 methodologies to be used by Cal/EPA and recommended to  
19 other parties. And that in the process of coming up with  
20 those early action enhancements that you want them, the  
21 Subcommittee, in concert with the Cal/EPA staff to conduct  
22 public meetings. And you've got to have somewhere in the  
23 process in my view working carefully with the Secretary or  
24 her designee.

25           And I think the other thing that is incumbent in

1 all of this is putting some resources in the current  
2 budget proposal that's being developed. And I don't know  
3 what the magic number is. I think the Subcommittee has to  
4 have at least a preliminary discussion with the Secretary  
5 and with some of her staff. But like in our case, for  
6 example, okay, you can look at my current year adopted  
7 budget, and I have a nest egg that I put there that  
8 everyone who's from South Coast is aware of for  
9 community-based projects, yet to be defined in the course  
10 of the budget year. All right.

11 ADVISORY COMMITTEE MEMBER TAKVORIAN: Can you  
12 make -- I want to get done too but --

13 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think  
14 Cal/EPA and the size of its budget could put a pot of  
15 money to be called upon.

16 CO-CHAIR LEE: Barry, do you want to propose some  
17 specific amendments to the motions or make a substitute  
18 motion? We need --

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I would,  
20 if I could have a couple of minutes to write it out.

21 CO-CHAIR LEE: Don't ask Diane to try to guess  
22 again what you want to see in the motion.

23 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I need a  
24 couple minutes to try to write it up.

25 CO-CHAIR LEE: Cynthia.

1           ADVISORY COMMITTEE MEMBER WASHINGTON DAVIS: My  
2 question is we're talking about forming a Subcommittee.  
3 Who decides who's going to be on the Subcommittee?

4           CO-CHAIR LEE: The Committee does.

5           ADVISORY COMMITTEE MEMBER WASHINGTON DAVIS: The  
6 broader Committee?

7           CO-CHAIR LEE: We do.

8           ADVISORY COMMITTEE MEMBER WASHINGTON DAVIS:  
9 We're going to do that today?

10          CO-CHAIR LEE: If we heard back from the  
11 Secretary that our recommendation was accepted and they  
12 were going to put funding towards this effort, we would go  
13 ahead at our next meeting and establish that Subcommittee.

14          ADVISORY COMMITTEE MEMBER WASHINGTON DAVIS:  
15 Thank you.

16          CO-CHAIR LYOU: Just a point of clarification on  
17 this. I think that nothing in our bylaws prohibits us  
18 from forming a Subcommittee. But if we don't have the  
19 resources to meet or do anything, then Cal/EPA can  
20 effectively prevent us from moving forward with that  
21 Subcommittee.

22          ADVISORY COMMITTEE MEMBER CLARK: Point of  
23 clarification. Are we going to have lunch? Because I  
24 didn't quite support Barry's idea on the passing of the  
25 lunch.

1 CO-CHAIR LEE: We were hoping to have lunch.  
2 We're almost done with our allotted lunch 45 minutes. So  
3 I'm hoping Barry's writing fast and Cynthia is going to  
4 speak fast, and we're going to vote fast. And then we are  
5 going to eat really fast.

6 ALTERNATE ADVISORY COMMITTEE MEMBER BABICH: I  
7 just want to add that this is a very important motion. As  
8 somebody from an impacted community, cumulative impacts  
9 arises not only with the issues in my community, but with  
10 the networks we work with. I think some language that  
11 says appropriate resources and with the start-up amount is  
12 really important.

13 And I think it's also really important what we  
14 heard from Dr. Kyle and others is there's several agencies  
15 and entities that are already moving forward on this and  
16 have really done some great work over the time that can be  
17 incorporated. And there's no need to reinvent the wheel.  
18 But there is a need to really get moving forward. And I  
19 think that for whatever reason, and people may know the  
20 reasons or they may not, this is the first time this  
21 Committee has met in a long time. And it's really great  
22 we are finally meeting. And I can see there's a lot of  
23 anxiousness within the Committee and within the  
24 communities that need the answers to move forward.

25 So we really need to just take a deep breath and

1 make those first steps and come up with the language  
2 really quickly that we can all agree on that might not be  
3 the end-all of everything, but that will get us moving  
4 forward.

5 CO-CHAIR LEE: Thank you, Cynthia.

6 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Maybe  
7 Barry will lend us some money from his pot.

8 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Cynthia,  
9 since you're from South Coast, I'll remember that.

10 ADVISORY COMMITTEE MEMBER TAKVORIAN: In an  
11 attempt to be responsive, I've written another motion that  
12 Henry and everyone else needs to look at.

13 CO-CHAIR LEE: Barry is writing his motion.

14 ADVISORY COMMITTEE MEMBER TAKVORIAN: We can take  
15 a look at this and maybe it would give Barry something to  
16 amend. Or we can vote on this, and if it doesn't make it,  
17 there might be another motion in our future.

18 CO-CHAIR LEE: All right. So I think it's right  
19 to say the Secretary needs to appropriate the dollars to  
20 develop the cumulative guidance and policy so the  
21 activities would include the formation of the  
22 Subcommittee. The Subcommittee would report by the end of  
23 2007, conduct the public meetings. And the rest is the  
24 same.

25 CO-CHAIR LEE: Diane, would you be open to

1 something like \$250,000 in addition to adequate staff  
2 resources?

3 ADVISORY COMMITTEE MEMBER TAKVORIAN: Sure.

4 CO-CHAIR LEE: Okay.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: We could  
6 say at least \$250,000.

7 We could also include in here if that would be  
8 helpful and give Val and John an opportunity to work this  
9 through that at the next Committee meeting, CEJAC meeting,  
10 which I hope would be soon, they would come back with a  
11 work program and budget so that we could get the detail.  
12 I mean, I think what we're trying to do here is get this  
13 moving off the dime, give you some resources. Not to  
14 spell out everything that's going to get done, other than  
15 we know we want an outcome at the end of 2007 with  
16 something we can take home. So if that would be helpful  
17 so that more work can be then done and the Committee  
18 can -- the CEJAC can look at that, maybe that's another  
19 benchmark that we could ask that OEHHA come back at the  
20 next CEJAC meeting, which would be what? January?

21 CO-CHAIR LEE: That will certainly be after the  
22 Governor draft budget is out. The Administration's draft  
23 budget will be out in the December time frame.

24 ADVISORY COMMITTEE MEMBER TAKVORIAN: No. I  
25 think we need to ask the Secretary for the appropriation.

1 And that's why we need to do it now. And it's unfortunate  
2 that we don't have a fully detailed budget, but we need to  
3 secure some dollars now. But then ask them to come back  
4 with more detail along the lines of what I think Barry was  
5 looking for in terms of precisely what the work program  
6 would be.

7 CO-CHAIR LEE: Okay. Barry, do you have anything  
8 you can add to this discussion at this point?

9 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think  
10 I'd like to propose an alternative, if that's allowed.

11 CO-CHAIR LEE: That's a substitute motion. You  
12 can make it, and if you get a second, then we vote on it.  
13 And then we go back to Diane's.

14 ADVISORY COMMITTEE MEMBER WALLERSTEIN: First  
15 that I move that we request that the Secretary of Cal/EPA  
16 form a Subcommittee of the CEJAC on cumulative impacts.

17 That the Secretary of Cal/EPA provide funding on  
18 a need basis for Subcommittee members to participate in  
19 the Subcommittee activities.

20 That the work program for the Subcommittee will  
21 entail comparing original CEJAC recommendations on  
22 cumulative impacts with progress to date on Cal/EPA  
23 cumulative impact pilot projects.

24 That the Subcommittee work program will entail  
25 developing recommendations for early action enhancements



1 for cumulative impacts assessment and reporting to  
2 supplement Cal/EPA's current activities.

3 That the work program will include the  
4 Subcommittee and Cal/EPA staff conducting public workshops  
5 to gather suggestions on potential enhancements.

6 That the motion include a request that the  
7 Cal/EPA Secretary establish a cumulative impacts  
8 enhancement set-aside fund of \$500,000 in the FY 07-08  
9 budget.

10 ADVISORY COMMITTEE MEMBER HARRIS: I will second.

11 CO-CHAIR LEE: Okay. Are people clear how this  
12 motion differs from the original motion?

13 ADVISORY COMMITTEE MEMBER WASHINGTON DAVIS: I  
14 need to see that in writing too. He's going to have to  
15 write it. There's no way I'm going to vote on that  
16 without seeing it in writing.

17 ADVISORY COMMITTEE MEMBER VOLTURNO: Is there any  
18 way to have both the motions written up and vote on them  
19 right when we come back and give them time to flush out  
20 what the motions are?

21 CO-CHAIR LEE: Sure. Let's try that since we  
22 have ten minutes to eat now.

23 ADVISORY COMMITTEE MEMBER ARRIETA: Can I ask  
24 Diane a question? Barry's motion really focuses on  
25 recommendations from this Committee, whereas yours adds

1 the term guidance. What do you mean by guidance?

2           ADVISORY COMMITTEE MEMBER TAKVORIAN: Well, I was  
3 trying to build on what I heard John talking about in  
4 terms of guidance that would enable the BDOs and  
5 potentially local government and other agencies to utilize  
6 a cumulative impact analysis in their own effort, like  
7 permitting, like enforcement analysis, and assessment.

8           ADVISORY COMMITTEE MEMBER ARRIETA: I think Barry  
9 captured all that in his motion in the action of  
10 recommendations on early actions, you know, those kinds of  
11 things that is a little different than guidance. And I'm  
12 more comfortable with Barry's use of recommendations.

13           ADVISORY COMMITTEE MEMBER CLARK: One point of  
14 clarification. On the amount that was recommended, am I  
15 understanding, Barry, that you are recommending 500,000  
16 rather than -- what was that again?

17           ADVISORY COMMITTEE MEMBER WALLERSTEIN: It seems  
18 to me -- it is 500,000 that we can request that the  
19 Secretary in this upcoming budget year develop a  
20 set-aside, a fund that can be called upon to implement the  
21 enhancements and that fund could be spent on additional  
22 staff positions for OEHHA or Cal/EPA or could be spent on  
23 consultant services, or it could be spent on whatever the  
24 appropriate activities to implement the enhancements.

25           ADVISORY COMMITTEE MEMBER CLARK: That includes

1 the activities, the meetings, the travel, and stuff for  
2 the Committee members?

3           ADVISORY COMMITTEE MEMBER WALLERSTEIN: I  
4 specifically included separate from the 500,000 the travel  
5 for the Subcommittee members. I think that is going to be  
6 a minimal cost that shouldn't be a problem within  
7 Cal/EPA's budget.

8           ADVISORY COMMITTEE MEMBER CLARK: Okay.

9           CO-CHAIR LEE: Okay. I think so that I don't  
10 have Committee members fainting, what I would like to do  
11 is get printouts of those two motions. We're going to  
12 take a 30-minute break for lunch. We're going to review  
13 the printed out motions. Members of the public are  
14 welcome also to review the printed out motions.  
15 Department heads who are sitting here pining can also  
16 review printed out copies of the motion. And we will come  
17 back in 30 minutes and we will vote on the motion before  
18 we move onto the discussion of Midway Village. Thank you.

19           (Thereupon a lunch recess was taken.)

20           CO-CHAIR LEE: I think we have a quorum, if I  
21 count the members who aren't actually in their seats. In  
22 the interest of not falling a lot further behind, we have  
23 momentarily a motion. We're waiting for the camera to  
24 warm up.

25           ADVISORY COMMITTEE MEMBER TAKVORIAN: While we're

1 warming up, Barry and I tried to meld the motions with  
2 advice from others. And so you all need to take a look at  
3 the motion that is coming onto the screen now. And the  
4 concept, hopefully it captures both, and we can be unified  
5 and get on with it and move onto our next topic.

6 CO-CHAIR LEE: Excellent.

7 ADVISORY COMMITTEE MEMBER TAKVORIAN: I don't  
8 have it into writing or I'd start to read it to you. But  
9 I would just note that in digging through my files from  
10 September '05, forming a work group was on the next steps  
11 that was to meet at regular intervals. And --

12 CO-CHAIR LEE: And so was requesting money. And  
13 the Ad Hoc Subcommittee met with representatives of  
14 Cal/EPA, and we came up with a number closer to a million  
15 dollars. And we were going to meet with the Secretary to  
16 make that request, but he resigned. But at least we're  
17 arriving back at the same place we were so we know we  
18 really meant it.

19 ADVISORY COMMITTEE MEMBER TAKVORIAN: The motion  
20 would be, while the screen is -- the motion is request  
21 that the Cal/EPA Secretary form a Cumulative Impact  
22 Subcommittee comprised of CEJAC members, experts, and  
23 others. The Subcommittee will -- these are a series of  
24 bullets.

25 1. Secretary to provide funding on an as-needed

1 basis for Subcommittee members to participate in work.

2 2. Develop policy recommendations.

3 3. Develop early action enhancement for

4 cumulative impact assessment reporting and actions to

5 reduce impacts and supplement Cal/EPA current activities.

6 Next, report Subcommittee's preliminary findings

7 on guidance and policy recommendations by July 1, 2007.

8 Cal/EPA and Subcommittee will conduct public

9 workshops on preliminary recommendations.

10 Next, establish a cumulative impacts enhancement

11 fund of at least \$500,000 in the fiscal year 2007/08

12 budget for the Secretary's use in implementation of the

13 recommendations.

14 And then last, finalize CEJAC's guidance and

15 policy recommendations by the end of 2007.

16 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'll

17 second Diane's motion.

18 CO-CHAIR LEE: Okay. But this is a substitute

19 motion that is made by Diane and seconded by Barry.

20 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Or we

21 both withdrew our original motions.

22 ADVISORY COMMITTEE MEMBER CLARK: We withdrew the

23 first motion.

24 CO-CHAIR LEE: The original motion from Diane and

25 Barry's original substitute motion have been withdrawn.

1 And we have a new motion from Diane, seconded by Barry.

2 ADVISORY COMMITTEE MEMBER CLARK: No. Excuse me,  
3 Madam Chair. That's not correct. The original motion was  
4 Diane, and I seconded the motion.

5 CO-CHAIR LEE: But she withdrew.

6 ADVISORY COMMITTEE MEMBER CLARK: We're  
7 withdrawing the motion Diane made and I seconded. That's  
8 off the table. This is the only one that's on there.

9 CO-CHAIR LEE: Right.

10 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Henry, if  
11 you would like to be the seconder of this motion, I'd be  
12 more than happy.

13 ADVISORY COMMITTEE MEMBER CLARK: No, that's  
14 fine.

15 CO-CHAIR LEE: Okay. So we have a motion on the  
16 table and a second. Is there any very small limited --  
17 Brenda, discussion.

18 ADVISORY COMMITTEE MEMBER WASHINGTON DAVIS: Very  
19 small, very limited. I simply would like to have Shankar  
20 clarify what do we mean by guidance and what do we mean by  
21 recommendation so I'm clear in my own mind what we're  
22 talking about in the use of both of those terms.

23 ADVISORY COMMITTEE MEMBER PRASAD: Currently,  
24 according to our EJ Action Plan, OEHHA is given the  
25 primary charge of developing cumulative impacts

1 guidelines. And when I read this as they would be to be  
2 the ones who will be developing with input from the  
3 Subcommittee, and they will be the lead on that. And when  
4 their Subcommittee completes its work through staff, it  
5 would come back to the CEJAC and make some modifications  
6 or recommendations to that.

7 CO-CHAIR LEE: Shankar or Diane and Barry, would  
8 it be accurate to say that the Subcommittee will be  
9 bringing to the CEJAC recommendations for the CEJAC to  
10 endorse and put forward regarding policy and guidance? Is  
11 that correct?

12 ADVISORY COMMITTEE MEMBER PRASAD: I was thinking  
13 it would be OEHHA who would be bringing --

14 CO-CHAIR LEE: Shankar, I think we're making  
15 recommendations and OEHHA will do the guidelines or not;  
16 right?

17 ADVISORY COMMITTEE MEMBER PRASAD: I was thinking  
18 OEHHA and the Subcommittee will be working together to  
19 develop --

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: Guidelines.

21 CO-CHAIR LEE: What the CEJAC will approve are  
22 recommendations regarding the guidelines.

23 ADVISORY COMMITTEE MEMBER PRASAD: The  
24 guidelines, the whole guidelines.

25 ADVISORY COMMITTEE MEMBER TAKVORIAN: Barbara,

1 what you're saying is change the last bullet to say CEJAC  
2 will finalize, adopt Subcommittee's guidance policy  
3 recommendations. Is that what you mean?

4 CO-CHAIR LEE: No. I think it's written fine.  
5 What I interpret it to mean is that what we are finalizing  
6 and adopting are recommendations regarding policy and  
7 guidance; is that correct?

8 ADVISORY COMMITTEE MEMBER TAKVORIAN: I think so.

9 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Yeah.

10 CO-CHAIR LEE: I think that's what everybody is  
11 understands it to mean.

12 Okay. Any other clarifications? Okay. Let's  
13 call the question then. All in favor of the motion  
14 signify by saying aye.

15 (Ayes)

16 CO-CHAIR LEE: Any opposed?

17 Any abstaining?

18 Motion carries on unanimous vote.

19 CO-CHAIR LYOU: I now must assume the  
20 responsibility for Chairing. You left us only 45 minutes  
21 behind schedule, so everyone has to talk about 50 percent  
22 faster than they normally do.

23 The next item on the agenda is the report of  
24 CEJAC participants in the OEHHA review of Midway village.  
25 And that will begin with a presentation by Barbara Lee.



1 Just for everyone's clarification and then we'll have a  
2 public comment, Committee discussion, and any decisions  
3 following that public comment.

4 (Thereupon an overhead presentation was  
5 presented as follows.)

6 CO-CHAIR LEE: Okay. I'm going to try to go  
7 through this really fast. So if folks have questions that  
8 I don't cover, just stop me. There's a lot of information  
9 behind this, but we don't probably have the time to cover  
10 it all.

11 --o0o--

12 CO-CHAIR LEE: It's supposed to be -- here we  
13 go. So quickly to refresh everybody's memory, although I  
14 know you've sat through this before, the background at  
15 Midway, the site was a manufacturing gas plant until 1914.  
16 And the company that owns that plant no longer exists.  
17 PG&E controlled the site until 1944 when the U.S. Navy  
18 took control through eminent domain proceedings and  
19 established military housing.

20 At the time that the military housing was built,  
21 contaminated soil was moved and graded and contamination  
22 was spread across a large parcel.

23 After this, the County of San Mateo acquired the  
24 site in the 1950s and used the existing housing for public  
25 housing. And then in the mid 1970s, the original

1 buildings were torn down and replaced with the current  
2 Midway Village housing complex. And at that time, there  
3 was additional soil grading and movement that occurred.

4 --o0o--

5 CO-CHAIR LEE: There we go. I know this slide is  
6 hard to see. What I'm hoping that you take from it are  
7 two things primarily. This is a time line, and I have  
8 some copies of it that I can distribute. I should have  
9 done it before the presentation, but I do have copies of  
10 it.

11 What it shows is that from the time that the  
12 housing was built -- until the time that the first housing  
13 was built until the time of the first remediation was  
14 nearly 40 years. And since the remediation occurred in  
15 two different stages, it was 47 years that people were  
16 living on the site until it was remediated to its current  
17 condition.

18 There were also twelve years between the time  
19 that I saw the first records of testing at the PG&E site  
20 until the remediation activities were undertaken at  
21 Midway. And there is some dispute about what that date  
22 was when the contamination was known. The records I saw  
23 indicate 1982. I believe there are other records that  
24 have been referred to in other documents that say '79, but  
25 I wasn't able to confirm that. And, indeed, during the

1 condemnation proceedings before the housing was built at  
2 all, the residents have alleged that there was recognition  
3 at the time of those proceedings that the site was  
4 contaminated with PAHs.

5 --o0o--

6 CO-CHAIR LEE: Last fall, Secretary Lloyd asked  
7 the Office of Environmental Health Hazard Assessment to  
8 undertake a review of the scientific basis for the 2001  
9 remediation at Midway Village. Three members of the CEJAC  
10 participated in the review, along with a staff member from  
11 DTSC, and a technical consultant from the community. Her  
12 name was Wilma Subra. I was one of the three  
13 participants. Michael Dorsey was another. And Martha  
14 Dina Arguello was the third.

15 The OEHHA report was presented to the  
16 Inter-Agency Working Group last month. We offered  
17 comments during the process. But this review that I'm  
18 about to go over with you and that was provided to you via  
19 e-mail is a better representation of some of the things  
20 that we felt should have been covered in the OEHHA review  
21 but they did not feel was part of the scope of their  
22 review.

23 --o0o--

24 CO-CHAIR LEE: Specifically, we felt that in  
25 addition to looking at the scientific basis for the 2001

1 remediation activities that there are three questions that  
2 needed to be asked really about the remediation to get at  
3 it from more of an environmental justice perspective. And  
4 those questions are: What was the standard of care at the  
5 time that the Midway site was identified? And was that  
6 standard of care met? Has the standard of care changed  
7 since then? And have those changes been addressed at  
8 Midway? And is the standard of care that is practiced now  
9 adequate to support the State's environmental justice  
10 goals?

11 --o0o--

12 CO-CHAIR LEE: So I'm going to go through some of  
13 the key activities that occurred during the remediation  
14 process and try to answer those questions for each of  
15 those activities.

16 First the site identification. The Midway site I  
17 should point out includes not only the housing complex but  
18 also the adjacent Bay Shore Park and the current PG&E  
19 Martin Service Center facility which is now once again  
20 under PG&E control and being used as a service yard by the  
21 power company.

22 As I mentioned, test records indicate  
23 contamination at the service center in 1982, and that date  
24 is under dispute. It may be earlier, in fact, than that.

25 The housing complex was tested in 1989 and was

1 formally identified when the remediation action plan was  
2 put forward in 1992. And the remediation was completed in  
3 94. Bay Shore Park itself was not remediated until 1998.

4           The scope of this process then is a very long  
5 scope. It's not clear whether or not at that time DTSC  
6 had standards for investigating and identifying sites  
7 adjacent to non-contamination or if they -- and materials  
8 were not provided to us to indicate whether they had  
9 procedures -- established procedures or standards now.  
10 But that is certainly something that ought to be looked  
11 at. Because if you consider the arc from the early 1980s  
12 to late 1990s, that's a very long time for that site to be  
13 in question.

14                               --o0o--

15           CO-CHAIR LEE: Site characterization. In OEHHA's  
16 review of the site of the 2001 remediation effort, they  
17 found the sampling that was done to characterize the site  
18 to be adequate, except for looking at the volatile organic  
19 compounds and the indoor air sampling portion of that  
20 effort. And those two areas OEHHA has recommended further  
21 work in.

22           To underscore that, I would say the contamination  
23 from VOCs at that site could result from a number of  
24 sources, including the operation of the manufactured gas  
25 plant, fuel storage and dispensing that occurred at the

1 site and occurs at the adjacent site, now the PG&E site.  
2 Solvent cleaning which occurred at the PG&E service yard,  
3 those are potential sources of VOC contamination in the  
4 soil.

5 In 1992, petroleum hydrocarbons were found in the  
6 ground water, but the ground water wasn't remediated. And  
7 there was also some VOC testing in the soil, but not  
8 extensive testing. And there was no testing for total  
9 petroleum hydrocarbons as either diesel or gasoline.

10 There's been some speculation that if they were  
11 there then, they wouldn't still be there now because it's  
12 been a long time and they're volatile. But in fact, VOCs  
13 can remain trapped in the bulk layer and migrate to the  
14 surface if the matrix is disturbed, for example, by heavy  
15 rains that would force the lighter compounds up to the  
16 surface. Indeed, soil tests in 2002 showed that there was  
17 what was referred to as strong matrix interference from  
18 VOCs that were present in the soil. And residents and  
19 Midway note that under certain conditions they do smell a  
20 smell that they characterize as being like nail polish.

21 --o0o--

22 CO-CHAIR LEE: There are other potential sources  
23 of contamination that were not tested for that could  
24 result from PCBs in old transformers at the site, on-site  
25 waste incineration that is known to have occurred, as well

1 as early landfilling activities. This area was originally  
2 a wetland and was filled in to allow construction of the  
3 current housing that is there as well as the adjacent  
4 industrial activities.

5           The testing that was done for PAHs, phenols, and  
6 cyanide showed different geographic distribution patterns  
7 for each of those three compounds. And that's important  
8 because it shows that even if you know where the high  
9 concentrations of the PAHs are, you don't necessarily --  
10 you can't necessarily conclude that's where the VOCs would  
11 be or other potential contaminants would be. They're  
12 distributed differently, and that is likely a result of  
13 different original sources of those contaminants and also  
14 the movement of the soil that may not have been uniform  
15 across the site.

16           The final thing I wanted to point out about the  
17 characterization is that no testing was done in the soils  
18 of the houses that are immediately across a very narrow  
19 street from Midway Village. At the very close to the  
20 region where the highest concentrations have been seen --  
21 and this is particularly interesting when you look at the  
22 extrapolated of soil concentration on the DTSC maps,  
23 because those isoplus would appear to continue off the  
24 site into the adjacent housing, that is not part of  
25 Midway. But the lines just sort of stop at the property

1 line. And no further work has been done in that  
2 direction, at least none that was provided to us for our  
3 review.

4           So what I would say is at the time the site was  
5 identified, this was very early after the approval of the  
6 Superfund Program at the federal level. There was not the  
7 same degree of understanding of how Superfund cleanups  
8 should go forward, of how environmental justice should be  
9 considered, and of how manufactured gas plants impact the  
10 soil environments and the other media that they come into  
11 contact to.

12           At the time, the standard seems to have been to  
13 focus on PAHs. And the standard also seems to have been  
14 to leave contaminated ground water in place if it is not  
15 used for drinking water. I would say that by today's  
16 standards, our standards have shifted a bit. We would  
17 address petroleum and other VOC contamination and probably  
18 would not leave that in the ground water or the soils, and  
19 that that is something that needs to be further pursued in  
20 this case.

21                               --o0o--

22           CO-CHAIR LEE: The first remediation at Midway  
23 was completed in 1994. The target cleanup for PAHs was 10  
24 milligrams per kilogram in the exposed soil. When I say  
25 exposed soil, it's important because in exposed areas, the



1 soil was either covered with pavement or it was removed to  
2 a depth of two feet and replaced with clean fill and  
3 planting on top of it. But the soil that was under  
4 walkways, sidewalks, driveways, and in the crawl spaces  
5 under the residences themselves was all left in place.

6           The second remediation was completed in 2002.  
7 For that remediation, the target for the PAH cleanup was  
8 revised down to 0.9 milligrams per kilogram still in  
9 exposed soil. So it's a tighter cleanup standard. And  
10 soil in exposed areas was removed to a depth of two feet  
11 and five feet. But again, the soil that was under the  
12 hardscaping and in the crawl spaces was left in place.  
13 The ground water was not remediated during either cleanup  
14 activity, and there was also not remediation done for  
15 VOCs.

16                               --o0o--

17           CO-CHAIR LEE: I apologize for this table. It is  
18 in a copy of the report that was provided to Committee  
19 members and posted on the website. What I'm hoping that  
20 you take away from this is that in 1994 at Midway there  
21 was a 10 milligram per kilogram cleanup standard in place,  
22 and soil was left in place under the parking, under the  
23 patios, under the walkways, sidewalks, and under the  
24 residences.

25           Two years later, a cleanup effort was completed

1 in the city of Alhambra in southern California. That  
2 cleanup effort used a 0.9 milligram per kilogram cleanup  
3 standard for PAHs, and soil was removed to an average  
4 depth of five feet, more than five feet in some cases.  
5 And it was removed not only at the exposed soil but also  
6 the soil beneath parking, patios, sidewalks, walkways, and  
7 the residences themselves.

8           This is a single-family middle class -- this is a  
9 middle class community of single-family residences. When  
10 the second remediation was done at Midway Village in 2002,  
11 the target as I said was revised down to 0.9 milligrams  
12 per kilogram. But again, at Midway, the soil was left in  
13 place under the parking areas, patios, walkways,  
14 sidewalks, and under the residences themselves.

15           So based on that, I think there is a difference  
16 in the cleanup standard that was used. Not the numerical  
17 standard -- and you can argue whether a numerical standard  
18 based on risk assessment is protective or not protective.  
19 And people can debate that using different scientific  
20 information to support their case. But in the practice of  
21 the cleanup in this case, the soil was left in place in  
22 Midway. And in a contemporary cleanup activity in a more  
23 affluent community, the soil was largely removed.

24           What you see on the bottom line is that in Midway  
25 Village the community is not very satisfied with the

1 cleanup effort. And I think you all know that's an  
2 understatement. Whereas, in the town of Alhambra,  
3 Southern Cal Gas and DTSC and the community had a big  
4 party to celebrate at the end of the cleanup activities,  
5 and everyone was very pleased with the outcome.

6 --o0o--

7 CO-CHAIR LEE: Going through a quick comparison  
8 with what is done in other states. I did this just to get  
9 a sense of what other areas do, because this is -- soil  
10 remediation is not my particular area of expertise. And  
11 what I saw was that in Missouri, the Department of Natural  
12 Resources undertook a cleanup that used a 0.6 milligram  
13 per kilograms standard, and the site is dedicated to  
14 industrial uses. They also tented the site during the  
15 excavation to protect adjacent residences.

16 Also, in the last five to ten years, the Delaware  
17 Natural Resources Environmental -- I'm sorry -- the DNRAC  
18 undertook a cleanup in a Delaware community with a  
19 standard of 0.8 milligrams per kilogram. And the site is  
20 deed restricted in perpetuity to prohibit current or  
21 future residential uses of the property.

22 And I think one of the largest cleanup efforts  
23 that I looked at, the Illinois EPA in a community called  
24 Oak Park, which is a very affluent community in Illinois,  
25 discovered contamination from manufactured gas plant

1 activities at the recreational Barry Park within that  
2 community. And even though they entered into three series  
3 of health studies with ASTDR, all of which showed no  
4 health hazard from recreational uses of Barry Park  
5 unremediated, Illinois EPA required removal of the  
6 contaminated soils at the park to a depth between 10 feet  
7 and 40 feet.

8           They did the soil removal not only on the park  
9 itself, but under the adjacent streets and included fence  
10 line air monitoring before, during, and after the  
11 remediation with ambient air quality standards for a  
12 variety of pollutants and a plan in place that would  
13 trigger certain actions if any of those standards were  
14 released.

15           I include this discussion mostly just to point  
16 out that there is across the nation substantial concern  
17 about the potential for adverse outcomes when people are  
18 exposed especially in a residential setting, but also in  
19 non-residential settings to the residues of manufactured  
20 gas plant activities.

21                               --o0o--

22           CO-CHAIR LEE: And I think if a more  
23 comprehensive review is undertaken perhaps and a more  
24 precautionary approach is used, the department might come  
25 up with some standards that would guide future remediation

1 activities at manufactured gas plant sites in California  
2 because there are literally more than 100 of them  
3 currently that are waiting to be remediated.

4           So I would point out to you then that the  
5 standard of care did appear to change from the first  
6 remediation to the second. That the change in the  
7 remediation target for PAHs was addressed at Midway. It  
8 was lowered from 10 milligrams per kilogram the 0.9  
9 milligrams per kilogram. But there is a discrepancy  
10 between the degree of remediation that was practiced at  
11 the Alhambra site in California and the Midway site that  
12 still needs to be addressed.

13           The contamination by petroleum hydrocarbons in  
14 the ground water and the soil still needs to be addressed.  
15 And as I pointed out, other jurisdictions are using more  
16 protective targets and restrictions on post-use  
17 remediation -- post-remediation use and this ought to be  
18 reviewed and if appropriate applied in California.

19                               --o0o--

20           CO-CHAIR LEE: During the Committee's  
21 deliberations about this in the past, we've asked a few  
22 times if any health assessments have been done of  
23 residents at Midway. I was able to find two that were  
24 done. One was a genetic sampling analysis that was done  
25 by Dr. Jesus Nemenzo. He did two genetic analyses. The

1 sister chromatid exchange analysis was essentially normal  
2 for adults and children, but the chromosomal aberration  
3 analysis showed abnormal results according to the  
4 researcher for 19 of 24 adults and for 32 of 34 children.

5           These results were submitted to ATSDR which  
6 responded with a letter that stated there was insufficient  
7 data provided to them to either confirm or evaluate the  
8 conclusions that were drawn by the researcher.  
9 Unfortunately, no follow-up action has been taken. And so  
10 there is a significant question about whether there are  
11 significant genetic impacts in the community at Midway  
12 Village.

13                               --o0o--

14           CO-CHAIR LEE: There was also a health assessment  
15 that was conducted by Dr. Rosemarie Bowler who is a  
16 researcher at San Francisco State University and has  
17 served on a number of committees and working groups under  
18 ATSDR, under the National Academy of Sciences Institute of  
19 Medicine, and other such bodies. Her specialty is looking  
20 at how communities that are exposed to environmental  
21 toxins are effected not only physically but also  
22 psychologically from that exposure. She compared the  
23 residents at Midway to a demographical matched community  
24 in the region and found that the Midway residents -- she  
25 used a survey of the residents in the two communities, and

1 she found that the Midway residents reported 6.7 times  
2 more skin rashes; 3.4 times more acute bronchitis; 2.7  
3 times more psychiatric disorders; and 2.3 times more  
4 phenomena.

5 She also found that the Midway residents were 4.1  
6 times more likely to show somatization which is an  
7 extraordinary concern about physical symptoms in their  
8 bodies such that the concern about the symptoms themselves  
9 is causing adverse effects in the people experiencing it,  
10 as well as some other psychological symptoms that were  
11 statistically significant.

12 --o0o--

13 CO-CHAIR LEE: And I didn't -- I'm sorry. I did  
14 not put a conclusion on this slide, but I would say that  
15 the fact that there are two health assessments that have  
16 been done of this community that at the very minimum  
17 raised the question of whether or not the community is  
18 currently sustaining significant adverse health effects  
19 from exposure to environmental toxins at the site requires  
20 that there either be a more definitive study done or these  
21 conclusions should be accepted and action should be taken  
22 to address the impacts in the community. But to simply  
23 leave these kinds of conclusions out there without any  
24 coordinated and clear response to them is really unfair to  
25 the community.

1 --o0o--

2 CO-CHAIR LEE: We're almost done here. Public  
3 participation. There is a lot of disagreement between the  
4 community and DTSC staff about the public participation  
5 opportunities that were available to the residents and  
6 what they availed themselves of. And it really is not  
7 possible now to know what happened 14 years ago.

8 That said, I would say that many of the public  
9 participation recommendations that were made by the CEJAC  
10 in 2003 would be appropriate and helpful with the  
11 community at Midway and with other remediation projects  
12 and that other agencies and other remediation efforts have  
13 been very successful using community advisory committees  
14 to help guide the remediation decisions and actions, and  
15 that some agencies have developed guidelines for public  
16 participation, specifically in manufactured gas plant  
17 remediation actions. And that if it's going to be a long  
18 time before the guidelines that are being developed for  
19 the entire Cal/EPA Agency in public participation are  
20 available, that perhaps some very focused and obvious  
21 things that should be done remediating manufactured gas  
22 plants ought to be written down and used more broadly  
23 within the department.

24 --o0o--

25 CO-CHAIR LEE: And that's the first of the



1 recommendations you see on the list here. And I'm going  
2 to quickly run through the recommendations. Again, they  
3 were in the report that was provided to you. The first is  
4 that enhanced public participation guidelines should be  
5 developed for future cleanup at manufactured gas plant  
6 cleanups and that these practices should be put into place  
7 with Midway Village residents now for the future efforts  
8 that need to be undertaken with this community.

9           Additional testing is needed to better  
10 characterize the contamination at Midway for pollutants  
11 other than PAHs, especially petroleum hydrocarbons, for  
12 others that were mentioned in the report as well. And the  
13 guidelines should be established to ensure that there is  
14 complete characterization of manufactured gas plant sites  
15 in the future.

16           A review of cleanup targets at manufactured gas  
17 plant sites in other areas should be undertaken, including  
18 the post remediation uses for the sites that meet those  
19 cleanup targets. And guidelines should be established for  
20 efforts in California that represent the best standard of  
21 care, and that standard of care should be implemented at  
22 Midway Village.

23           A review should also be conducted of the standard  
24 of care in preventing exposure during remediation  
25 activities. Enclosures, fence line monitoring, and other

1 precautionary measures should be included.

2 --o0o--

3 CO-CHAIR LEE: A comprehensive and systematic  
4 assessment of the health effects experienced by the  
5 residents should be undertaken, unless the department  
6 concludes the analysis by Dr. Bowler is adequate.

7 Efforts should be made to clarify or to redo the  
8 genetic testing that indicated a 94 percent rate of  
9 abnormal chromosomal aberrations in the children at  
10 Midway. If provocative results such as these are not  
11 accepted and acted upon, they should at least be responded  
12 to in a more conclusive way.

13 In the case of Midway Village and in other  
14 situations where long-term exposures have occurred,  
15 especially exposures to children and where the residents  
16 do not have the ability to move on their own, the  
17 department should recommend that they be made eligible for  
18 housing that is not contaminated.

19 The department should also place a priority on  
20 implementing some form of health tracking and should  
21 recommend follow-up care if disease clusters are in fact  
22 identified.

23 And finally, to the extent necessary and  
24 feasible, the cost of these enhancements should be passed  
25 on to the identified responsible parties.

1           And that concludes the recommendations from the  
2 report.

3                               --o0o--

4           CO-CHAIR LEE: In terms of how this report  
5 relates to the OEHHA report, the roll of the CEJAC, I  
6 would like to say that the members of the CEJAC that  
7 participated in the review with OEHHA were assured that we  
8 would be allowed to submit an addendum to the OEHHA  
9 report. The OEHHA process and timing did not allow CEJAC  
10 members to report back to the Committee and submit a  
11 formal addendum.

12           In addition, notwithstanding the promises and the  
13 effort of OEHHA staff, comments that were made by CEJAC  
14 members at the public meeting and during the conference  
15 calls were not actually reflected in the OEHHA report.

16           So in light of all of that, the CEJAC members who  
17 participated in this review are requesting this report be  
18 conveyed by the CEJAC to Cal/EPA as the report of the  
19 CEJAC members who participated in the review and that it  
20 be included as an addendum to the OEHHA report.

21           Thank you. And I would be happy to answer your  
22 questions.

23           CO-CHAIR LYOU: Are there any requests for  
24 clarifying questions from the Committee members? And  
25 members of the public who are interested in commenting,

1 you probably need to submit a card.

2 CO-CHAIR LEE: Except LaDonna is obviously head  
3 of the list.

4 ADVISORY COMMITTEE MEMBER CLARK: A point of  
5 clarification, in terms of this information, testimony  
6 that is presented now, you're presenting that as one of  
7 the representatives of CEJAC that was part of this process  
8 or what?

9 CO-CHAIR LEE: This report is drafted to include  
10 the comments that were made by Martha and by Mike and by  
11 myself that were not included or incorporated into the  
12 OEHHA report that they have already finalized. And so we  
13 are -- at this point in time, our names as CEJAC members  
14 stand on that report. And it implies that we agree with  
15 the findings of that report and perhaps that it's okay  
16 with the CEJAC as well. And we believe that that is not  
17 entirely the case and that these comments really need to  
18 be officially added onto the report that was done by  
19 OEHHA. We are not asking the CEJAC to say, oh, yes. You  
20 know, we reviewed this whole Midway thing, and these are  
21 our findings as a Committee. We are asking the Committee  
22 to convey these findings as the findings of the three of  
23 us as a group that participated in that review.

24 ADVISORY COMMITTEE MEMBER CLARK: Well, I have a  
25 couple of questions and concerns. But first of all, I

1 want to ask is there going to be a status update on the  
2 conditions that presently exist there? What is the  
3 situation there now in terms of the residents and what's  
4 happening there? Is there going to be that report back  
5 from anyone?

6 CO-CHAIR LEE: It is my understanding, Henry,  
7 that DTSC and Cal/EPA do not intend for this issue to come  
8 back to the CEJAC again. We made a request that this  
9 report be considered by the CEJAC at this meeting. But I  
10 don't believe that it is DTSC's plan to make another  
11 report to the CEJAC about what's going on at Midway.

12 At the IWG meeting last month, Shankar was tasked  
13 with working with HUD to try to assist in the relocation  
14 of community members who wished to be moved, and Maureen  
15 Gorson was tasked with reviewing the recommendations for  
16 further testing that were made by OEHHA and considering  
17 whether or not that could be accommodated and included in  
18 the five-year update that DTSC does on remediation  
19 activities as a matter of course. And I believe her  
20 report was due back to the Secretary in 30 days, which  
21 would be right about now. But I don't know the contents  
22 of that report, and I don't know that there are any plans  
23 to bring that to us.

24 I would say, you know, I know Martha has been out  
25 to the site and has some photos that she may want to share

1 with the Committee. I also have been out to the site,  
2 and, you know, there are -- the conclusion that the  
3 capping adequately contains the contamination that  
4 currently exists there is based on, you know, some  
5 assumptions of ongoing maintenance of those caps and in  
6 addition to cracks and things like that.

7           On my tour of the site, I found, for example,  
8 that in one of the yards in one of the highest  
9 contaminated areas, the patio that was put in place to cap  
10 the contamination had lifted away from the soil  
11 underneath, leaving a three- or four-inch gap underneath  
12 the edge of the patio. And getting down onto the  
13 sidewalk, I was able to look a long distance up under the  
14 patio. And I'm not sure if it was erosion or substance of  
15 the ground that caused that gap. But what it means is  
16 that if water gets under there, it can easily wash the  
17 soil out into the exposed soil areas that surround the  
18 patio. It's things like that that call into question the  
19 capping as a strategy.

20           ADVISORY COMMITTEE MEMBER CLARK: Well, you know,  
21 personally, you know, I've been down the side and areas  
22 being left with contamination under the walkways and all  
23 that. So you know, that type of hocus-pocus is not really  
24 what I'm trying to get at.

25           I'm trying to get clear on the relocation things.

1 So is it that anyone there now that if they want to be  
2 relocated to some other San Mateo housing site that they  
3 can? Or is it just for certain people that's living in  
4 the certain part of the Midway or what's the deal? That's  
5 what I'm trying to get at.

6 ADVISORY COMMITTEE MEMBER PRASAD: At the IWG  
7 meeting, the San Mateo Housing Director Duane Bay came and  
8 testified. He said he will look into this aspect and get  
9 back to us and to the community about what options they  
10 would be able to offer in terms of relocation.

11 I'm met with him subsequently, and he said he's  
12 looking at the possibility of offering some sort of  
13 relocation package. And he's exploring that with his  
14 staff. And he wanted about three to four weeks of time.  
15 And I plan to contact him next week at which time that  
16 would be the time for us to sort of see whether he has  
17 clearly made a commitment about what they can do.

18 ADVISORY COMMITTEE MEMBER CLARK: Is that for  
19 everyone that they're considering? Or here again you  
20 don't know the parameters of it yet.

21 ADVISORY COMMITTEE MEMBER PRASAD: No. That is  
22 something they will have to do. And actually we are  
23 also -- the Governor's Office of Planning and Research,  
24 John Fillmore has indicated he was also going to meet with  
25 them and see. And I have asked Mr. Bay to make sure that

1 he meets with the community as well before -- hear their  
2 issues and see what can be done.

3           ADVISORY COMMITTEE MEMBER CLARK: Just one last  
4 concern I have for the moment anyway in regard to the  
5 issue about contamination spreading off site of the  
6 Superfund site or whatever term that the contaminated site  
7 is referred to. You know, this is common practice, now.  
8 I've seen this situation there in Richmond where, you  
9 know, there's a site -- scrap metal site that was  
10 designated a Superfund site for cleanup. There's a house  
11 next door. The last family that lived there were growing  
12 a garden in the backyard that was tested by the Contra  
13 Costa County Health Department. The contamination had  
14 spread into their garden.

15           The family was relocated. But because of that  
16 particular site where they were living at next to the  
17 Superfund site proper, it wasn't designated, you know, the  
18 contaminated site diddly squat. That's not in the  
19 dictionary. But that means nothing was done, you know, to  
20 that site in terms of cleaning it up knowing that the  
21 contamination had spread to the adjacent site where people  
22 was living at.

23           So you know -- and it all comes down to dollars  
24 and cents. You know, basically they set the parameters of  
25 the Superfund site proper, and anything that went beyond



1 there, we know very well that contamination does not put  
2 on any brakes and stop at any line that someone draws.

3 So you know, this is common practice to not look  
4 beyond the jurisdiction of the contaminated site proper.

5 CO-CHAIR LYOU: Mike, and then Martha's card has  
6 disappeared.

7 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I'm  
8 going to wait, because I have the photos.

9 CO-CHAIR LYOU: Mike and then Cynthia.

10 ADVISORY COMMITTEE MEMBER DORSEY: First of all,  
11 I want to say that of the members of the Subcommittee,  
12 Barbara spent an enormous amount of time on this and she's  
13 done a tremendous job.

14 I have a few comments. And again I'll reiterate  
15 what I said this morning. We are an Advisory Committee  
16 and we are making a recommendation. And in respect to  
17 that, I would like -- I know there's not an intent to  
18 bring this issue back to the CEJAC, but I would like to  
19 have a couple of things at least responded to the  
20 Committee. And that is if our recommendations are  
21 accepted in part or in whole or rejected in part or in  
22 whole, we get some response to that as to why. I think  
23 that's something that's due to us on any issue that we may  
24 bring forth to the Secretary's office.

25 Secondly, because this has been such an active

1 issue for such a long time, whether or not we engage in  
2 this issue, I think it would be very important for us as a  
3 Committee to know what the ongoing activities at Midway  
4 would be and to be kept informed on those just as an  
5 informational if nothing else.

6           And in regards to kind of tagging on to what Dr.  
7 Clark had said about relocation, relocating people for the  
8 purposes of maybe satisfying a certain number of people  
9 may not necessarily take care of the problem, per se. It  
10 may take care of the people that are voicing their  
11 concerns, but not necessarily the problem. And I think  
12 the root here is to resolve the problem, and then you  
13 won't have to -- you can either deal with relocating  
14 everybody and not using this as a housing site or cleaning  
15 it up to the point where there's a sufficient level of  
16 protection as well as the community being comfortable with  
17 the level of cleanups similar to the Alhambra site that  
18 was done. And I think that's important to keep in mind in  
19 this process.

20           CO-CHAIR LYOU: Cynthia.

21           ALTERNATE ADVISORY MEMBER BABICH: Wow, LaDonna.  
22 You know, our community was relocated. And I have to say  
23 that there's immediate steps that need to be taken when  
24 you have a situation like this. And you need to get  
25 people the heck out of harm's way, period. Then you can

1 sit around and twiddle your thumbs or whatever you're  
2 going to try to figure out how possibly you're going to  
3 remediate such gross contamination.

4 But the similarities that we see in these  
5 communities of color -- and I know sometimes I represent  
6 my community and I'm a white person, although inside I'm  
7 very much rainbow. My community is Latino. Same stuff.  
8 Don't do under sidewalks. Don't do under houses with  
9 disregard that a lot of these people in the communities  
10 have to go under their houses to do repairs for themselves  
11 or in their attics. And it's just like the same thing  
12 going on and on again.

13 And one of the reasons why I come to these  
14 meetings -- today, I'm just lucky enough to sit at the  
15 table. Tomorrow, probably not. But I come because we  
16 have found no comfort with the federal ATSDR, which some  
17 of us have sat and tried to participate. Rosemarie  
18 Browlers is a great, great researcher, and her stuff  
19 should be taken right there. I mean, that's bottom line.

20 Studies, studies, studies. Studies are important  
21 sometimes, but not when people are in harm's way. F the  
22 studies. They don't need -- that's not even somewhere we  
23 should stop. When you have people having chromosomal  
24 damage, even someone like me that didn't take chemistry in  
25 school can figure that out. Those are no-brainers.

1           Nothing can be said to a community that's gone  
2 through this and had to go through the anguish of bringing  
3 this up, the things people think, oh, God, here comes that  
4 story again. Well, you know, bless people's hearts who  
5 have the capacity to keep bringing it up when it's their  
6 lives that are being effected. And sometimes I read  
7 things and then I realize in my own sight, oh, my God.  
8 That's my health. That's my cancer that's coming down the  
9 road. So yeah, there's a desperation with the communities  
10 that come to the table.

11           But CEJAC, that's why so many people put so much  
12 time into this. There may be other Agency folks -- I  
13 don't know. I don't speak for them. But I know that's  
14 why the communities and the environmental representatives  
15 have put time into this process, because it needs to  
16 happen in California. It needs to happen to the stuff  
17 that's right in our face. We can take the time to look at  
18 some of this other stuff. But if this Committee does not  
19 do something with that, we are wasting our time.

20           And I am so sorry, LaDonna. Sorry doesn't go  
21 real far. But I can say what a bummer. And I know I've  
22 sent you our relocation stuff, and I will be happy to help  
23 you. What they need is the relocation specialist. And  
24 we've shared documentation with the EJ tour, because we  
25 were lucky enough to have our polluter pay for someone to

1 come in who could help us take what we were feeling and  
2 what we needed and put it into terms that people could put  
3 money to and get something done.

4 But as in all communities, 65 families in my  
5 community were lucky enough to escape, and Cynthia Medina  
6 sits back here as her family is still trapped. That's why  
7 we keep moving forward. But something needs to be done.  
8 And thank you guys for looking into this and being brave  
9 enough. And a lot of us are behind you, but something  
10 needs to be done because this actually makes me sick to my  
11 stomach.

12 CO-CHAIR LYOU: We're going to take that as a  
13 point of clarification expansion upon Barbara's comments.  
14 We're going to get to public comment soon and discuss what  
15 kind of decisions we're going to make. I know you wanted  
16 to show the photos.

17 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Do  
18 you want to show them? So I don't want to talk a lot,  
19 because I want to make sure we have enough time for public  
20 comment.

21 But I found being part of this Committee  
22 extremely frustrating to have spent a lot of time talking  
23 about precaution with the folks at the table listening and  
24 then found absolutely no understanding, no concept of what  
25 you actually do to prevent harm.

1           And the report was written in a risk  
2 management -- I don't know a polite way to say it -- risk  
3 management way to say that make sure that everybody's  
4 butts are covered. We spend a lot of time making  
5 recommendations that were then ignored. So I share in the  
6 frustration with LaDonna about this lack of listening and  
7 a lack of real understanding of what these recommendations  
8 mean and a resistance to actually have the spirit of what  
9 CEJAC has been talking about actually filter down  
10 anywhere. And that was extremely frustrating.

11           So we did go to the site, and we read Wilma  
12 Subra's report. And Wilma Subra is actually a genius  
13 who's helped with many communities. And that in and of  
14 itself raised enough questions for me to say that there  
15 needed to be a process to make this community whole and  
16 that that still -- despite hearing all this, despite  
17 hearing from community members again, they came back with  
18 pretty much the same report ignoring all of these  
19 comments.

20           CO-CHAIR LYOU: So my understanding is that Wilma  
21 Subra's report is an attachment. Her comments are  
22 attached to the OEHHA document; right? So people who are  
23 interested in reading her comments should get ahold of the  
24 OEHHA document and read the appendices.

25           Any other comments, Committee members?

1 Shankar.

2 ADVISORY COMMITTEE MEMBER PRASAD: I do agree  
3 with some of the frustrations that the people might have  
4 experienced. But at the same time, I want to acknowledge  
5 a couple of things with respect to the Committee members.

6 Number one, as well as this Committee or this  
7 report is now well orchestrated and very well written and  
8 submitted, it was not given on time in order for the OEHHHA  
9 to incorporate when they finalized their report. And to  
10 that extent, I think I had to say that that was one of the  
11 things that happened during the time.

12 And also there was an issue of some  
13 miscommunication in terms of the role of the Committee as  
14 well as in the health effects part of it. It was not  
15 the -- it was not brought to their attention of the OEHHHA  
16 in terms of the specifics of these studies which were  
17 there. And as far as we tried to relocate these health  
18 studies and bringing it now to the full light of it, and  
19 what you point out in this slide is actually not even a  
20 part of the one of the reports here on this slide in terms  
21 of the -- so we will certainly follow it up on that aspect  
22 of it.

23 CO-CHAIR LYOU: Barry, I think I've gotten to the  
24 point where I can read your mind, and I'm sure you're  
25 going to talk about the timing of what reports were turned

1 in when; right?

2           ADVISORY COMMITTEE MEMBER WALLERSTEIN: No.

3 Actually, I think that's irrelevant. I think the system  
4 has failed in that takes three Committee members here to  
5 enlightened everyone on these issues. We've had the  
6 community members here for years, and it shouldn't take  
7 three Committee members doing research. That's what the  
8 agencies are supposed to do.

9           So, Shankar, I understand what you're saying, but  
10 I don't accept it. And I find that very disappointing.  
11 And if I lived in this community or if this community was  
12 in South Coast, I sure as heck would want an explanation  
13 about a lot of this, including, you know, if these -- I'll  
14 call them preliminary studies on chromosomes and  
15 psychological effects are true and so on, that should have  
16 been followed up on a long time ago.

17           And there was a purpose to some of my earlier  
18 madness when OEHHA was here and I was asking about  
19 analyzing things in two directions and whether or not they  
20 had funding to do evaluations. This is the type of thing  
21 that not only should have been done, but that OEHHA or  
22 somewhere in Cal/EPA there should be ongoing funding that  
23 allows them when an issue like this is raised to conduct  
24 the appropriate analysis. And not to have that in place  
25 is an environmental justice impact of the worst kind.



1 CO-CHAIR LYOU: Henry.

2 ADVISORY COMMITTEE MEMBER CLARK: This is quite  
3 ridiculous. I mean, I must not be hearing Shankar  
4 correctly. Because you know, if I think I hear what I'm  
5 saying, this is bureaucratic nonsense and a whole lot of  
6 other words that I could say that I'm not.

7 But you know, so let me just ask you. Are you  
8 saying that because the report OEHHA was not aware of  
9 these health studies when they did their investigation and  
10 issue their report, like it's a mute question now? It's a  
11 done deal. They can't look at it in light of the fact  
12 that such studies do exist and are -- I mean, it seems --  
13 I mean, what are you saying?

14 ADVISORY COMMITTEE MEMBER PRASAD: I'm saying now  
15 it was not included as a part of the report at the time  
16 because it was not submitted on time. But on the other  
17 hand, what has been provided now as a piece of information  
18 will certainly be looked into. And I've already given  
19 this material to OEHHA as well as to the DTSC. And they  
20 are actually in the process of updating their plan in  
21 terms of what they're going to do in light of these  
22 things. And so actually in their report about the next  
23 Action Plan which the Secretary asked them to expedite it  
24 and see if they can start that immediately, that plan is  
25 due to us any time now.

1           ADVISORY COMMITTEE MEMBER CLARK: That's good  
2 that this information will be considered. Because  
3 certainly no type of, you know, bureaucratic process  
4 should stop the investigation and consideration of this  
5 important information when you're dealing with people's  
6 lives.

7           CO-CHAIR LYOU: Barbara, you're looking for this  
8 card over here so you can put it up, aren't you?

9           CO-CHAIR LEE: Just to clarify for everybody.  
10 The genetic testing and the information that I presented  
11 about that I obtained from letters from ATSDR in response  
12 to the data that was submitted to them. And that  
13 information was provided to me and Martha and Mike by  
14 OEHHA as part of the review.

15           The information about the health study conducted  
16 by Dr. Bowler I found through an internet search typing in  
17 search words like Midway Village and manufactured gas  
18 plants and things like that. There were a series of  
19 articles that appeared in the San Francisco Chronicle  
20 around the year 2000 that made reference to the study done  
21 by Dr. Bowler and that it found statistically significant  
22 physiological and psychological health effects. And from  
23 there, I tracked down Dr. Bowler. She was not reachable  
24 over the summer when UCSF was not in session. And I was  
25 able to meet with her by attending her office hours at

1 San Francisco State -- not UCSF -- San Francisco State. I  
2 attended her office hours, and she provided me with a copy  
3 of the study. And that's how I came to have it.

4 I did let OEHHA know during their drafting of the  
5 report that I had found that such a study existed that was  
6 part of the litigation in the late 1990s over the site,  
7 that it should be part of the legal records in that  
8 litigation which DTSC should have copies of because they  
9 were party to the litigation. But I do not know if DTSC  
10 had copies of the study at the time. I only know that I  
11 found it through searching newspaper articles about Midway  
12 Village and the residents and the impacts they've  
13 sustained.

14 CO-CHAIR LYOU: Okay. Just for everyone's  
15 information, we're about one hour behind schedule right  
16 now. If there are no other comments from Committee  
17 members, I'd like to open it up to public comment. And we  
18 should as a Committee be thinking in terms of what we're  
19 going to do in terms of action.

20 LaDonna will be speaking first.

21 (Thereupon an overhead presentation was  
22 presented as follows.)

23 MS. WILLIAMS: Is it possible to get those  
24 pictures put up, Melinda?

25 I haven't seen this slide, but this looks like

1 the outside of the homes of Midway. Can we go up to the  
2 next one, because it's not really giving us -- I don't  
3 know how to work this thing.

4 This is the entrance to PG&E from the Geneva  
5 Avenue. And Midway is directly in the back where you can  
6 see that little grassy area.

7 Can you go to the next one? Not that one.

8 --o0o--

9 MS. WILLIAMS: What you're looking at here is one  
10 of the resident's homes where the plants are growing  
11 directly underneath the units. That was not remediated.  
12 Directly after, we had a national toxic tour that took  
13 place September 24th through October 1st.

14 Midway, on Sunday the 24th of September, was one  
15 of the -- it was actually the second stop to the beginning  
16 of the tour. And some of the participants were able to go  
17 inside the unit and see for themselves. We provided  
18 pictures for the OEHHA report and the Committee to see  
19 that there is further route of exposure when we look at  
20 all the reports and especially this OEHHA report that, you  
21 know, really skims over the current conditions of Midway  
22 and the current exposure pathways that do still currently  
23 exist there.

24 Shortly after the visit, Housing Authority  
25 appeared at this particular resident's unit and said, oh,

1 you know, it's not growing from underneath the house.  
2 They tore out that section of the wall there and dug up  
3 and found out yes, in fact, this plant is growing directly  
4 from underneath.

5 We can go to the next one.

6 --o0o--

7 MS. WILLIAMS: And the plant is still there.

8 This is another resident's backyard area, and  
9 she's pointing actually to the cracks in the pavement.  
10 Her foot -- she's pointing over there, but her foot  
11 actually shows it too. If we were able to zoom in a  
12 little closer, you could actually see the major cracks  
13 that occur in the patio areas. This angle doesn't show  
14 it, and because I don't have mine with it, it's difficult  
15 to show you. But her backyard there is directly adjacent  
16 to PG&E. She takes about three steps over her fence line  
17 is -- her backyard fence line is the PG&E site. Okay.

18 So what I want to do is I don't want to go  
19 through -- because I'm very short on time and have to  
20 leave. I have children to pick up in Vallejo which is  
21 going to be an hour drive. And you know, just trying to  
22 bring this together here and hope that even after I accuse  
23 you all of being ineffective that you prove me wrong.

24 What we're asking from the CEJAC Committee is our  
25 recommendation -- very strong recommendation from this

1 Committee for relocation for Midway Village. Not taking  
2 into account Agency may reject it, that the words might  
3 not be nice enough. I hope you don't give a damn at this  
4 point and take a position of relocation for Midway  
5 Village.

6           You look at the report that Barbara Lee put  
7 together. I know she put in a lot of time, her and  
8 Martha, Wilma. Well, this report -- this current report  
9 here I think this is three on the CEJAC Committee with  
10 Mike, yeah.

11           I appreciate Barry's comments on September 11th  
12 where he showed up at the IWG with Barbara and them and  
13 gave information showing the comparison of these various  
14 sites with Midway. You know, we appreciate all that. But  
15 it's not enough.

16           You know, I have issue with this report, although  
17 I say, you know what? Give it to them. What the hell.  
18 You know, every little bit helps at this point.

19           But I do have issues in that the finding and the  
20 conclusions are again Agency worked within their scope of  
21 what they had available to them. That they didn't have,  
22 you know, something to compare it to back then in 1982 or  
23 whenever it was they made the decisions. And that's all a  
24 bunch of bull, because they did have information. They  
25 had a Hinkley site. Hinkley site being a white site,

1 white community.

2 PG&E who sits at the table here was able to come  
3 up with an acceptable plan and relocate that community.  
4 Actually paid them over \$333 million. The subject of that  
5 community became a blockbuster movie. A lot of that  
6 information from Hinkley was taken from Midway Village  
7 because the now famous Erin Brockovich actually came out  
8 to Midway a couple of times, met with us. We exchanged  
9 information, found out the very similarities we were going  
10 through to dig up this information, you know, that PG&E  
11 had done to that community also.

12 At one point, you know, I guess that's where fame  
13 and celebrityism does to you. You start rubbing shoulders  
14 with other folks, and all of a sudden, we became the  
15 low-income community that Erin and Masry and that big law  
16 firm couldn't touch or didn't see it was necessary to  
17 continue. They said we kind of don't deal with those  
18 communities, because they deal with the government and low  
19 income and HUD. We don't deal with that, unfortunately.  
20 So we're hoping that CEJAC does, that they see the need to  
21 stay engaged on this, make the strong recommendation of  
22 relocation.

23 I want to go into a couple of points here. I  
24 think Barbara's presentation clearly shows discriminatory  
25 practices that are accepted from Agency and how they deal

1 with our communities of color. You looked at the  
2 comparison chart not knowing all of the makeup. When we  
3 say this is a white community, we don't mean there's not a  
4 few Hispanics or Asians or whatever other nationality is  
5 there. But the predominant race dictates how Agency takes  
6 an action. And that's clearly been shown here at Midway  
7 when it went from the acceptable level of 10.0 or 10 PPMs  
8 or whatever scientific technical terms they use, that  
9 standard was only lowered -- and mind you, those levels  
10 were from the available data that they were able to find.  
11 When Barbara talks about finding 1982 documents, that was  
12 because in 1982 Midway Village's construction documents  
13 were ordered destroyed.

14 I keep bringing up these points for you to give  
15 you a clear picture of how it is we don't have adequate  
16 information on it. This isn't something thrown out there.  
17 We have copies of DTSC's documents that clearly shows the  
18 construction of Midway Village, which the contractors were  
19 W.R. Grace, that they were ordered to destroy Midway's  
20 construction files. So you're not going to get a clear  
21 picture of the levels and the things that occur before  
22 1982. And then even after 1928 up until I don't know,  
23 ten, twelve years later, all of the available data that  
24 Agency took and used as fact came from Pacific Gas and  
25 Electric Company. So they were using that data as fact.



1 And so then the big PR spin became, yeah, it's there, but  
2 it's just trace amounts.

3           We recently met with Mr. Harris, and we  
4 appreciated that. He came to the resident's home, and we  
5 also met with him with one of the Assemblymembers just  
6 recently. And Mr. Harris has taken a position that PG&E  
7 is willing to do their part and whatever Agency directs  
8 them to do. And we have to keep reminding them what about  
9 the effected of community. We need to be at the table  
10 too, which he agreed.

11           But part of the problem with that is that Agency,  
12 Department of Toxic Substances Control, deemed through  
13 some verbal agreement or some sort of calculations that  
14 somebody I guess drew up that PG&E is only ten percent  
15 responsible for this contamination, when it actually came  
16 from their site. When even in their records they say  
17 their normal habits back then was to either sell, dispose  
18 of on site, or recycle these toxins. So seems to me like  
19 that 10 percent calculation is very inaccurate.

20           And then they point it to the Navy as 80 percent  
21 so that they can take this big old thing, knowing there's  
22 this legal thing in there. Well, the community can't  
23 fight that huge battle. I guess they thought we'd finally  
24 go away with it.

25           But we then pull up documents -- or I shouldn't

1 say pull them up. They were sent to us anonymously,  
2 because we weren't able to get them from DTSC in the  
3 beginning. But when these documents showed up, all of a  
4 sudden these documents is available. This document  
5 clearly showed it was not the Navy that constructed -- or  
6 not constructed but graded Midway with PG&E's  
7 contaminants. It was this stuff that was given to the  
8 Housing Authority, and PG&E did further grading themselves  
9 with it.

10 So, you know, our point in all of this is we need  
11 strong recommendation from CEJAC to give to the IWG, which  
12 I don't know if those of you on the Committee know, but we  
13 actually met on September 11th with the Interagency  
14 Working Group before you all met, which seemed to be  
15 backwards to me, too. I thought you would have been  
16 convened first, at least in on the loop. They are  
17 supposed to be taking recommendations from you all. It  
18 seemed to me there's just no method to the madness. They  
19 just sort of do however they feel to come up with these  
20 recommendations and actions.

21 Although I really do appreciate Mr. Prasad and  
22 him pushing and working with us. He's been at our -- I  
23 wouldn't say disposal, but we've been able to call him and  
24 address some issues. And it was instrumental in getting  
25 this issue out before the working group with Ms. Adams

1 addressing this issue.

2 But with Housing Authority, that's been another  
3 whole thing. That's why he doesn't have a clear answer  
4 for you when Mr. Clark asked him, well, is the relocation  
5 open to just a few? Is it open to everyone? What is it?

6 Well, conveniently, Mr. Bay, the Housing  
7 Director, has went on his third vacation in seven months.  
8 The man has only been in his position seven, eight months  
9 at the most, and he's had three vacations already. And  
10 it's always a vacation right before an important issue  
11 that the community brings forth.

12 And I bring up these issues just to show you how  
13 they throw us -- when I say us, impacted communities. And  
14 let me clarify something. I'm a former member of Midway.  
15 I haven't lived at Midway for 13 years now. But it is  
16 still my neighbors, my friends, and the people that I know  
17 that may not know me. But it's worth coming to this table  
18 continuing to fight for the health of the community. All  
19 of them should be relocated off of the site.

20 But what also has happened -- and this is kind of  
21 touching on Mr. Clark's issues, and we haven't even had a  
22 chance to discuss that either, is that since this has  
23 happened, House Authority has submitted a letter to the  
24 working group. And this is from their supposed resident  
25 president. She's been their resident association

1 president for the last eight or nine years I believe. And  
2 she submitted a letter and said basically that, you know,  
3 we don't -- we, meaning myself and the small group of  
4 current residents that have come before you time and time  
5 again, that they don't speak for all of Midway. In other  
6 words, there are other residents that don't want  
7 relocation. If they don't want it, we're not speaking for  
8 them. We're trying to make a way to get people off that  
9 do want it.

10           What's also significant to note is that this  
11 resident president is also a ten-year or longer employee  
12 of the San Mateo County Housing Authority. So she holds  
13 this real, in our opinion, you know, position. It's a big  
14 huge conflict of interest, and it always has been.

15           But you've got residents there that are targeted  
16 because they have taken a position of trying to advocate  
17 to get out of this site. They've been threatened with  
18 their housing. One lady in particular, she was evicted  
19 behind some issue that happened ten years ago that they  
20 never brought up. But once they knew she was at the table  
21 asking for relocation, her and her son born on the site --  
22 he's going blind because of these toxins. They're now on  
23 the street living in hotel after hotel.

24           When the toxic tour happened, people were afraid  
25 to come out. They were like looking out their windows,

1 whether those of you that came knew it or not. They were  
2 peeking out of their windows. They wouldn't dare show up,  
3 because they were afraid that if they did they wouldn't  
4 have housing.

5           So we have so many issues. And trying to sum it  
6 all up in five or ten minutes before you guys just, you  
7 know, shut down on Midway and the things that I'm saying,  
8 you know, I'm trying to bring it up just to show you that  
9 the clear environmental racism and discriminatory  
10 practices that has happened at Midway.

11           I know it's happened at other places, but I  
12 thought again the task here -- and this was because of the  
13 Executive Order. This ain't just because IWG or the BDOs  
14 or whoever have finally got a conscious. They were  
15 ordered to put this Committee together. Unfortunately, it  
16 just didn't give you any power to do anything. So really,  
17 you know, is this just for show or what?

18           And the way -- I mean, even having Midway here,  
19 obviously we've gotten some movement that we wouldn't have  
20 otherwise gotten. Because if this was the pilot project,  
21 this would have been totally under the control of some  
22 agency to basically do what they want.

23           And I want to put out there too, I believe LSAC  
24 or LSAG or stakeholders, but the local stakeholders group  
25 was formed as a result of us consistently coming in the

1 faces of DTSC and the other agencies. Because we formed a  
2 Committee back in the mid, early '90s trying to address  
3 this. We just didn't know and didn't have resources other  
4 than Mr. Clark at the time to kind of help us direct  
5 through the maze and the madness. It was very difficult  
6 trying to maneuver, thinking we were trying to get some  
7 help, thinking we were finally working with PG&E and  
8 Housing Authority, all of these responsible parties, only  
9 to find out they threw us in meeting after meeting.

10           They were glad to hear us, as Mr. Harris said the  
11 other day. We're glad to come to the table and discuss  
12 it. Well, I'm sure you are. But we need action. We need  
13 more than discussion at this point. We need action. We  
14 need relocation. We need for pressure to be put on  
15 Pacific Gas and Electric Company, Housing Authority, and  
16 HUD and any and all agencies that have resources to make  
17 this move. As it's been said earlier, it's funny that  
18 when it comes down to EJ and communities, all of a sudden  
19 we don't have the funding. But they sure find the funding  
20 in other ways and in enough time to conduct Agency-related  
21 activities.

22           We don't have any more time. I mean, you guys  
23 have studied Midway to death. And it seems to me like  
24 they're ordering more studies and more testing. Well,  
25 yeah. Order it. But in the mean time, we need to get

1 them off of the site. So after that, they can spend all  
2 the time in the world they need to do some further testing  
3 and some further studies. But you cannot spend that  
4 time -- that valuable time in going back and doing  
5 something that has basically already been done before.

6 Mind you, other than Ms. Bowler, but those that  
7 did the previous studies, they're all dead. Supposedly  
8 sudden heart attacks that can't be explained. They're no  
9 longer here to even back those reports. And we didn't  
10 have the help of the Department of Health Services. They  
11 played the game with ATSDR, CDC, and the rest of them  
12 which was hands off of Midway. So you know, we're asking  
13 to turn that around.

14 We had a long conversation in meeting with Mr.  
15 Harris, and what we presented to him was -- and I think  
16 Barbara was one of the main ones that brought that up in  
17 the past -- we have not trusted Agency. We haven't  
18 trusted, you know, any of them parties, which is true.  
19 They've given us reason not to trust them. But we have  
20 been still willing to try and work towards a solution.  
21 And we asked him could he see the vision of coming to the  
22 table finally after all these years of us complaining and  
23 crying about what has happened at Midway? Can he see  
24 taking these bull by the horns, this mad case of Midway  
25 and with PG&E. That's where the stuff originated from.

1 Seems only logical to me he'd be the one to step up and  
2 say, okay. Look, we don't care what happened in the past,  
3 the litigation. They sided on our side. Mind you, he did  
4 bring that up in the meeting. I can't let you off the  
5 hook on that. He brought up that in the meeting that they  
6 won legally. And so really they were under no obligation  
7 to come to a solution, but he felt that something should  
8 happen.

9           So they offered the residents some pennies. And,  
10 you know, some of them took \$1,000. Might have been a  
11 couple of thousand right before Christmas back in '99,  
12 2000 when the case was thrown out again all of them. Mind  
13 you, we had to go to the same courts that was named in the  
14 lawsuits, which was San Mateo County. This community  
15 wasn't going to get justice that way. It had to come from  
16 political. It had to come within Agency whose task was  
17 the job of protecting people's health.

18           So we asked him would he or could he spearhead  
19 this upcoming meeting. We're trying to plan a meeting  
20 that's not going to take another two years or three but  
21 soon and get the other responsible parties, being Housing  
22 Authority, HUD, and whomever else they deem responsible,  
23 and they all have an equal share in the cost of relocating  
24 Midway Village. And he promised he would do his part.

25           So we're asking for CEJAC to step up and add some



1 more punch behind that and request relocation for the  
2 residents, not to another housing unit on the same site as  
3 Midway, which was thrown out there by Mr. Bay. But to  
4 suitable housing of the resident's choice.

5           At this point, the residents need to be able to  
6 make informed decisions for themselves. Many have paid  
7 into that housing association the amounts of moneys that  
8 you've paid for your own homes. So we're requesting that  
9 they use that money that has been paid for a toxic dump  
10 that they have, you know, been allowed to live on for many  
11 years without their knowledge and put part of that money  
12 towards a down payment for their homes or apartments or  
13 whatever they want. But it's their choice to move where  
14 they want, not Agency and Housing making that choice for  
15 them.

16           So in your report, we're asking specifically for  
17 relocation, for relocation recommendation. But we're not  
18 asking you all on how to do that. We can step up and come  
19 up with that solution.

20           CO-CHAIR LYOU: Henry, do you have a question  
21 that pertains particularly to LaDonna's comments, or is it  
22 something that can wait until we finish public comment and  
23 enter into our discussion?

24           ADVISORY COMMITTEE MEMBER CLARK: It was to her.  
25 Go ahead.

1 CO-CHAIR LYOU: We only have one other person who  
2 wanted to make public comment, and that was LeVonne Stone.  
3 So LeVonne, if you can come up and offer your public  
4 comment. And I don't believe that there's anyone else in  
5 the audience at this point at least who's turned in a card  
6 or expressed an interest in public comment.

7 MS. STONE: I grace you with my presence again.

8 I'm just hoping that since you did go through the  
9 trouble of looking at Midway Village knowing that it's  
10 like many other communities that we're needing to deal  
11 with, that that report can be an example of something that  
12 can be used in other communities where you wouldn't have  
13 to go in and start from scratch and do all the stuff that  
14 was done now. I mean, not to mean that you don't take  
15 action. But that report should be out there, visible, and  
16 used to help get information that you won't have to redo  
17 again, but that you can add onto for other specific sites.

18 Because just like I said before, it's the same  
19 story. And everybody's got the story. For instance,  
20 we're living on a dump. Same cracks, gas coming out the  
21 ground, whatever. Already got the statistics and all of  
22 that. But what is it going to take for the action? And  
23 doing the studies is fine. But we keep saying it over and  
24 over again. We need some action. And this is a perfect  
25 opportunity for you to take action and to do the right

1 thing.

2           There's no way you can say the money's not there.  
3 Because when Gray Davis said we were going to have how  
4 many billions of dollars to redo Alcatraz Prison,  
5 everybody was behind it, and the money was going to come  
6 from somewhere.

7           So if that's the case, there's money out there.  
8 There's money to do these things. It's just that when you  
9 don't have enough pull behind you and high-powered  
10 attorneys, we can just disregard you for a while longer,  
11 unless you can bring some more power to the table. That's  
12 what it's all about. And like I said, it's a disgrace.  
13 And there's nothing to do but keep on fighting.

14           So I just hope -- when I looked at that report  
15 and I saw some of the information, yeah, it speaks to us  
16 too in a powerful way. So I just hope that report will be  
17 published and used. And not just another report that you  
18 have where you get a data and go through this whole thing  
19 continually until finally something is done and nothing is  
20 going to be done.

21           So I just want to -- that will even be some  
22 action. Is there any indication that you're going to take  
23 this report and do something else with it besides giving  
24 it to -- what is that group? EHHA?

25           CO-CHAIR LEE: The group is OEHHA. It's the

1 Office of Environmental Health Hazard Assessment.

2           You know, again LeVonne, as you know, this is an  
3 Advisory Committee. And in terms of, you know, causing  
4 action to occur, the best we can do is shine that bright  
5 light, as I commented to LaDonna, and hope that the Agency  
6 and its board's, departments, and office do the right  
7 thing.

8           The report that I wrote is on the Cal/EPA  
9 website. So if you want to download it and use it, you  
10 can.

11           MS. STONE: That's not what I'm asking. I know I  
12 can do that.

13           I'm asking for the report to be put out there in  
14 a big way, not just that groups like me can go to it and  
15 look at it and use it. I already have the documentation.  
16 That's not what I'm saying. I'm saying that it needs to  
17 get out there. It needs to go as far as it needs to go,  
18 because we're talking about multiple polluters here.  
19 We're talking about -- even if you can reach back and use  
20 another polluter like it sounds like it's mixed in there  
21 somewhere and say maybe these people are more responsible  
22 than these people, it's happening all over.

23           So what I'm saying is it just needs to get out  
24 there. And we use as some kind of example of what is  
25 happening and what's not happening. That's what I'm

1 saying. You know, I don't care whose name is on it. It's  
2 not important. It's data that was gathered. And it's  
3 data that is in communities across the state. That's what  
4 I'm saying.

5 Did you understand me?

6 CO-CHAIR LEE: I do understand you. And I'm not  
7 sure what Cal/EPA will do with the report. I can tell you  
8 I don't have the Agency budget. I have just a couple  
9 staff people, and I don't have enough funding to publish  
10 the report.

11 MS. STONE: I didn't ask you to do it. I didn't  
12 say Barbara. I'm just asking for something to be done  
13 with the report where it won't be buried somewhere or put  
14 on a shelf for later date to bring it out again. That's  
15 all I'm saying.

16 ADVISORY COMMITTEE MEMBER VOLTURNO: Aren't we  
17 going to be discussing what our recommendation -- after  
18 public comment, we will be discussing that.

19 CO-CHAIR LYOU: Did you want to --

20 MS. WILLIAMS: I did want to add something I had  
21 left out just briefly. We didn't put the pictures up  
22 because they were way too graphic. But it's important to  
23 make this comment, because when we spoke with Mr. Harris  
24 and even some of the Agencies, we hear this common  
25 statement -- well, Housing Authority also. They use this

1 all the time, the perceived connection between the  
2 illnesses, or residents, you know, perceived their  
3 illnesses to be a result of the contaminants as if it  
4 really doesn't exist.

5           What we didn't show you is the chromosome damage.  
6 I'm not medical, but you can call it chromosome. And we  
7 have showed it individual to some members. But you have  
8 females growing what looks like penises. And you've got  
9 the boys who are so abnormally small they look like they  
10 have vaginas.

11           And I'm sure you wouldn't have appreciated that  
12 graphic thing being displayed on this huge screen. But  
13 it's more than just perceived. You know, it showed up in  
14 the animals with the frogs and stuff, and now it's showing  
15 up in the children. And these are children that are born  
16 there.

17           You know, the other thing that I want to make  
18 clear is that that protective standard only occurred --  
19 they lowered it, and even still not to the other even  
20 industrial standard levels, was after we happened to get  
21 this document anonymously from someone that has been  
22 hearing it and sent us the document that showed us the  
23 differences in the decisions made on even industrial sites  
24 throughout California, Midway being the only residential  
25 site sitting directly on top of the Superfund that they

1 allowed what they thought was protective 10 at the time.  
2 And after we kept pushing -- we being the community kept  
3 pushing showing the differences, they lowered it to 0.9.

4 So I keep giving this evidence to say, please,  
5 Committee, support relocation. You can support the  
6 testing and all that too, but first and foremost must be  
7 relocation at the expense of the responsible parties.

8 CO-CHAIR LEE: In response to LaDonna's comments  
9 about some of the photographs, she was kind enough to  
10 share some with me, and I did have them examined by a  
11 medical expert in that field.

12 The nature of the photographs was such that, you  
13 know, the lighting and the angles and things, it was not  
14 possible from the photographs themselves for any  
15 conclusions to be drawn.

16 And the other thing that we would need to look at  
17 is the incidents. And you and I have talked about that,  
18 how many individuals are suffering from it. But certainly  
19 the invitation is there. If you want to meet some more  
20 about that, this doctor is willing to continue to review  
21 the evidence.

22 MS. WILLIAMS: Henry, I'm sorry to interrupt you,  
23 but clearly whether the angles were proper or not, for  
24 women -- well, men have seen it too, I'm sure, a vagina;  
25 right? You don't expect to see, you know, two or three or

1 four inches of a vagina in a 13-year-old girl hanging out  
2 of her insides. And you definitely wouldn't expect to see  
3 a 13, 14-year-old little boy who looks like he's got a  
4 vagina when he's supposed to have a male body part. But I  
5 appreciate you saying that.

6 ADVISORY COMMITTEE MEMBER CLARK: One clarifying  
7 point. Did I understand you to say that PG&E had agreed  
8 to bring all their responsible parties to the table with  
9 them?

10 MS. WILLIAMS: Mr. Harris agreed he would do what  
11 he could -- or you can ask him to repeat it. I believe my  
12 understanding was he agreed he would do what he could to  
13 bring those folks to the table. Am I right?

14 CO-CHAIR LYOU: Bob, I don't know how he's going  
15 to do this, but I want to be very careful we don't get  
16 into a debate about these issues. I mean, you're more  
17 than welcome to respond. But at the same time, we need to  
18 be very careful. Because as a member of the Committee,  
19 it's a little awkward to have, you know, direct  
20 questioning of a Committee member.

21 So I just want to, you know, allow you to respond  
22 if you feel like it. If not, we can go with what LaDonna  
23 is saying and Henry's clarification. And you guys can  
24 caucus outside the meeting to talk about your specific  
25 company -- you know, your company role instead of your



1 Committee role. Is that okay?

2           ADVISORY COMMITTEE MEMBER CLARK: Yeah, well,  
3 actually, it's not okay with me. If he wanted to say --  
4 take the opportunity to say whether that's an accurate  
5 assessment of what he's saying or company is saying, I  
6 mean, he can say that if he's willing to do so. If he's  
7 not, you know, then don't. It will just stand as far as  
8 I'm concerned as what LaDonna said.

9           I mean, is that pretty much an accurate  
10 assessment? I mean, either you said it would help to  
11 bring the responsible parties to the table or not.

12           ADVISORY COMMITTEE MEMBER HARRIS: Being an old  
13 30-, 40-member of the California Bar, I'm compelled to at  
14 least clarify the record.

15           We did meet at Assemblyman Yee's office in  
16 San Francisco where I did say and I will repeat is that we  
17 will participate with all of the agencies, all of the  
18 stakeholders in discussing relocation. Assemblyman Yee's  
19 office indicated that they would call DTSC and take the  
20 lead. And I indicated that I would fully support that.  
21 And I do support that.

22           ADVISORY COMMITTEE MEMBER CLARK: Okay.

23           CO-CHAIR LYOU: Can we transition now into the  
24 Committee discussion? We are approximately one hour and  
25 11 minutes behind schedule, and we had allocated about 15

1 minutes for Committee discussion and conversation.

2 Henry, I assume you still have some comments to  
3 make, and then Martha.

4 ADVISORY COMMITTEE MEMBER CLARK: You know, here  
5 again in the information down to the dollar as presented  
6 and the recommendation that she's asking for this  
7 Committee to make in support of relocation, you know, I  
8 think that's the least that this Committee can do to make  
9 a recommendation for relocation.

10 And I would make that motion and put that motion  
11 on the table that this Committee go on record in  
12 supporting the relocation of residents there at Midway  
13 Village.

14 CO-CHAIR LYOU: Do we have a second?

15 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I'll  
16 second.

17 CO-CHAIR LYOU: Seconded by Martha.

18 Martha, your comment.

19 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I'm  
20 having deja vu, because I thought that's what we  
21 recommended how long ago. I'm trying not to get as upset  
22 as LaDonna, but I feel we've been down this road. And  
23 this is the second time that this Committee has  
24 recommended for relocation. And I would love to have  
25 Cynthia help us out, because we've seen what's happened

1 there. And I think they have a good template that will  
2 really help to make sure all the parties are there, that  
3 people are made whole. But I feel like this is what we  
4 recommended over a year ago.

5 MS. WILLIAMS: Just to be clear, we do have some  
6 relocation specialists that the residents have chosen, but  
7 we will work with Cynthia.

8 CO-CHAIR LYOU: Any other comments?

9 ADVISORY COMMITTEE MEMBER VOLTURNO: I have a  
10 comment. I don't know what Barry's comment is going to  
11 be. I mean, is the recommendation simply going to be that  
12 we're going to recommend relocation? I mean, is it going  
13 to specifically mention the report as the reasoning for  
14 that? Or is there going to be -- do we want to include  
15 LaDonna's recommendations about making sure the community  
16 is a part of that relocation decision or you know -- I  
17 know PG&E is agreeing to come to the table.

18 I think there's a lot of factors here, and I'm  
19 not really clear on what our motion is going to be. If  
20 we're just recommending we want to see relocation happen,  
21 who's going to decide how that's going to happen? Is this  
22 going to be productive for the community if we just make  
23 that our only recommendation?

24 So I don't know if there's -- what the specific  
25 goals of -- I mean, I certainly support relocation. I

1 think the report was excellent. I think it brought forth  
2 a lot of good information. I understand LaDonna's point.  
3 I don't think I need -- I'm a scientist. I don't think I  
4 need a lot of scientist evidence because we've been  
5 listening to this for some time.

6 I want to make sure we don't end up in the same  
7 place we were a year ago where we're making a  
8 recommendation and then nothing happens and there's  
9 nothing really specific and we don't really know what  
10 we're asking for. So that's just my comment.

11 CO-CHAIR LYOU: Barry, you look like you might  
12 want to make a comment. I'm going to cut you some slack  
13 here, and I want you to remember this.

14 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Trust me  
15 Joe, I won't.

16 CO-CHAIR LYOU: We have an official transcript of  
17 this meeting, I will remind you.

18 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I know  
19 that, and I said that with the full of the intent of the  
20 transcriptionist noting down I won't.

21 I would hope that today we would move the  
22 Subcommittee report forward from the CEJAC, because I  
23 think there are issues not only of the relocation which  
24 are obviously the prominent issues, but if you relocate  
25 the current residents and you move in a new group of

1 residents, where are we at?

2           And from my, you know, personal vantage point of  
3 having now listened to a lot of testimony about this  
4 particular issue, I'm still concerned that even if you did  
5 relocation that there are issues that have been raised and  
6 apparently some of the earlier studies that at least have  
7 been presented to the Committee in summary fashion and  
8 certainly in some of the testimony today and previously  
9 that somebody -- unless there's really concrete, hard data  
10 in the other direction, somebody needs to look at the  
11 effects of past exposure. And not just for the residents  
12 that occupied this site of low-income housing, but from my  
13 vantage point as I understand it, there were military  
14 folks that were there previously on top of a toxic site.  
15 And so it ought to be plausible or possible for folks to  
16 look at Veteran's Administration database to see if there  
17 are health effects for individuals that lived at that  
18 site. And there ought to be ways to use existing  
19 databases or surveys to look at general community members  
20 that may have inhabited the site subsequent to the  
21 military.

22           And so I would hope that whatever moves forward  
23 in the future is a little more wholistic to help resolve  
24 these concerns, so when Bob has been presenting law for 60  
25 years he doesn't come to a Committee meeting and feel like

1 he's having deja vu.

2           These are serious issues. They should have been  
3 better addressed previously. There's still an opportunity  
4 to address them. And I would hope we could support that.  
5 And maybe as part of this, we ought to be communicating if  
6 appropriate to Assemblyman Yee that we appreciate him  
7 convening parties together, and we're very supportive of  
8 his assistance in this matter.

9           CO-CHAIR LYOU: Cynthia and then Henry.

10           ALTERNATE ADVISORY COMMITTEE MEMBER BABICH: I  
11 think it would be really important for this Committee to  
12 have follow-up on this and not just have it go off into  
13 some kind of a vortex. So I don't know how that would  
14 exactly work, but I think this is an example of something  
15 that's going on a lot. And there's an immediate response  
16 to this situation. But what the lessons learned here -- a  
17 lot of times in our communities, it's not just for our own  
18 communities that we seek justice, but we seek justice to  
19 make sure that the next guy coming down the road who maybe  
20 doesn't have a LaDonna or Cindy Babich or whoever doesn't  
21 have to suffer the same consequence. And it's real fine  
22 and dandy for us to get together and find out for another  
23 community, but that information needs to be put into place  
24 and utilized.

25           ADVISORY COMMITTEE MEMBER CLARK: In terms of,

1 you know, the issue that Barry raised about past exposures  
2 and so forth, I mean, you know, there's certainly a  
3 legitimate concern. And I don't really have no problem  
4 with that. But the point is that we need to pass a motion  
5 today specifically saying that we recommend that residents  
6 at Midway Village be relocated, whether we want to add  
7 such language to say based on the reports that -- whatever  
8 the official title of those reports that we've heard are  
9 or any other that's -- you know, I don't have no problem  
10 with that. And whether we want to add what Barry is  
11 saying. And also that other -- we want to include that in  
12 the motion or make a separate motion, I don't have no  
13 problem with supporting that.

14 But the bottom line is that we need to leave out  
15 of here today making a motion that includes that Midway  
16 residents at Midway Village be relocated, bottom line,  
17 whatever else that we want to add to that or whatever  
18 other motion that we want to make about Midway. But that  
19 should be one of them a part of whatever, you know,  
20 period.

21 CO-CHAIR LYOU: So Martha, you have to excuse me,  
22 but Barbara would like to ask her question or --

23 CO-CHAIR LEE: Just a clarifying question on your  
24 motion, Henry. The three CEJAC members who participated  
25 in the review have asked that our report be submitted by

1 the CEJAC to the Secretary of Cal/EPA and the IWG. Are  
2 you not addressing that request, or is that part of your  
3 motion? I'm just not clear.

4           ADVISORY COMMITTEE MEMBER CLARK: Well, as far as  
5 the report is concerned, that didn't come up. That wasn't  
6 part of the motion. If the issue came up about the motion  
7 as to whether we want to say that we are basing -- we are  
8 recommending relocation based on our report or any other  
9 report -- you know, I don't care if the report goes to --  
10 it should go to the -- whoever. It should go all the way  
11 up to the Governor's office really, to the Governor, to  
12 OEHHA, whatever, you know, whoever needs to hear about it  
13 again. It should go to the appropriate people. I don't  
14 have no problem with that at all.

15           CO-CHAIR LYOU: So if I understand correctly,  
16 Henry, that you're willing to amend your motion to include  
17 the comments of Lennore and Barry in terms of not  
18 officially passing the report on. We'll deal with that  
19 separately. But at least that the basis of our opinion  
20 was based on the report back from our Subcommittee -- that  
21 wasn't a Subcommittee -- from the members who participated  
22 in the review and with Lennore's point about -- you want  
23 to clarify that again, Lennore?

24           ADVISORY COMMITTEE MEMBER VOLTURNO: I just think  
25 it's important when we forward these things on to other



1 agencies or the Governor, whoever we're asking for  
2 relocation, that we have a basis for our recommendations.  
3 I believe this report is that basis.

4           So I just want to make sure that when we forward  
5 on our recommendation to these other agencies that they  
6 take us seriously. Because they haven't been sitting here  
7 the last two years listening to this. I think this is a  
8 really compelling report. And if I was the head of an  
9 agency and got that, I'd certainly want to support that.  
10 So I don't think just a letter --

11           CO-CHAIR LYOU: In regard for need to have  
12 participation in the decision-making process.

13           ADVISORY COMMITTEE MEMBER VOLTURNO: So I think  
14 that this report should be attached to that  
15 recommendation, that due to the attached report, this is  
16 our recommendation.

17           CO-CHAIR LYOU: Henry, are you comfortable with  
18 that?

19           ADVISORY COMMITTEE MEMBER CLARK: That's fine.

20           CO-CHAIR LYOU: The second came from Martha.

21           ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:  
22 Yeah.

23           CO-CHAIR LYOU: Okay. Now Diane's card has come  
24 up in the interim.

25           ADVISORY COMMITTEE MEMBER TAKVORIAN: Well, that

1 was one point I wanted to clarify. So it's clear that  
2 we're saying that based on the report that we received  
3 from the Committee members that we're recommending  
4 relocation. Who are we recommending relocation to? Is  
5 this all going to the Secretary?

6 CO-CHAIR LEE: My suggestion would be that we ask  
7 the Secretary to champion this issue within the  
8 administration with the other agencies that do have  
9 jurisdiction, understanding that Cal/EPA does not relocate  
10 people.

11 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Maybe  
12 the recommendation can be that we recommend relocation and  
13 we support the community initiated process that's  
14 currently going through with Assemblyman Yee and somehow  
15 to talk about bringing in other responsible parties. Is  
16 that --

17 CO-CHAIR LYOU: Is everyone clear on the motion  
18 at this point?

19 ADVISORY COMMITTEE MEMBER VOLTURNO: Just a point  
20 of clarification. I know Barry's comment maybe was we  
21 sent a letter to the Assemblymen. Is that included in  
22 this or a separate motion?

23 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I  
24 wondered if this can be transmitted to the Secretary in  
25 the form of a letter with a cc to the Assemblyman, to the

1 County, and to HUD. Is there anyone else you want copied  
2 on this?

3 MS. WILLIAMS: PG&E.

4 CO-CHAIR LYOU: Somehow I have a feeling they're  
5 going to find out about it. But we can do that.

6 And so I guess if there's any other  
7 conversation -- Diane's card is still up, but I don't  
8 think she actually wants to say anything because she just  
9 did.

10 ADVISORY COMMITTEE MEMBER TAKVORIAN: No. That's  
11 good clarification. I want to make sure it's going to all  
12 the places we want it to go to and --

13 MS. WILLIAMS: Did somebody mention Office of  
14 Planning?

15 CO-CHAIR LYOU: Governor's Office of Planning and  
16 Research which is involved in this issue. What we will do  
17 is make sure it goes to all the involved agencies at this  
18 point; right? And the letter I assume will be signed by  
19 the Co-Chairs.

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: I just  
21 wanted to make sure that Cynthia's point was included and  
22 that we ask that there be a report back on this at the  
23 next meeting.

24 CO-CHAIR LYOU: Cynthia, and even though he's not  
25 here, Mike. So without objection, all that will go into

1 the action that we take. Okay?

2 ADVISORY COMMITTEE MEMBER TAKVORIAN: We  
3 authorize you to draft the letter that expresses all that.

4 CO-CHAIR LYOU: "You" was directed at Barbara  
5 though; right?

6 ADVISORY COMMITTEE MEMBER TAKVORIAN: Barbara  
7 Lee.

8 ADVISORY COMMITTEE MEMBER OKUN: Can I clarify  
9 the motion? My understanding is this Committee's charge  
10 is to make recommendations to Cal/EPA. The letter is to  
11 Cal/EPA directing the Secretary to work with these other  
12 agencies, but you're sending the copies to other agencies?

13 CO-CHAIR LYOU: Okay. Shall we call a vote?

14 ADVISORY COMMITTEE MEMBER ARRIETA: Can I ask a  
15 question following up on Barry's comment about the should  
16 anybody be living in this place and should we be asking  
17 for relocation for everybody? We're strictly saying  
18 relocation for those that want them to leave or --

19 CO-CHAIR LYOU: The opportunity for relocation I  
20 think would probably be the best way.

21 ADVISORY COMMITTEE MEMBER ARRIETA: I think as a  
22 Committee we shouldn't be advocating that anybody live  
23 there. If people should, you know, want to live there,  
24 you know, this Committee shouldn't be saying it's okay if  
25 some people want to live there, even though we know it's

1 not right. I think we ought to say everybody should be  
2 relocated.

3           Having said that, it seems like the issue is a  
4 lot of different agencies involved, and there doesn't seem  
5 to be the right person to push the button that says, yeah,  
6 let's do this or not. Let's not do this, because it's  
7 very complicated from a jurisdictional standpoint.  
8 Somehow or another, somebody else besides who's been  
9 involved needs to get involved to make this happen. If  
10 we're going to push the same people in the same place that  
11 they've been pushed for last 20 years, you're probably  
12 likely to get same kind of results you've had.

13           Now, maybe Assemblyman Yee is somebody that  
14 triggers a different button. But it may be, you know, the  
15 folks in San Francisco, the folks in San Mateo County,  
16 both Assembly and Senate that maybe even beyond that in  
17 Congress. And maybe we should be asking the Secretary to  
18 work with all the political folks that have a stake in  
19 this to resolve the problem.

20           CO-CHAIR LYOU: Henry, this would be an amendment  
21 to your motion.

22           ADVISORY COMMITTEE MEMBER CLARK: Well, you know,  
23 in terms of the -- we already cc'ing almost everybody and  
24 their sons and daughters already. So you know, this in  
25 terms of adding somebody else on there, you know,

1 personally, I don't see a problem with that. That doesn't  
2 change the nature of the motion. The community is working  
3 with a lot of people, you know. So as far as our cc'ing  
4 anybody else, that doesn't really take away from the  
5 substance of the motion on who the cc's go to.

6 CO-CHAIR LYOU: I think the question was should  
7 the recommendation be that everyone be relocated.

8 ADVISORY COMMITTEE MEMBER CLARK: That is the  
9 motion in terms of like what LaDonna said. You know, if  
10 somebody there at Midway -- our recommendation is  
11 relocation for everyone. If somebody wants to say there,  
12 that's their business. And they deal with the  
13 consequences. But that's not what we're saying.

14 CO-CHAIR LYOU: I think it's consistent, Dave,  
15 with what you were saying.

16 Maybe call the question now.

17 ADVISORY COMMITTEE MEMBER CLARK: Call the  
18 question.

19 ADVISORY COMMITTEE MEMBER HARRIS: Let me make  
20 certain everyone knows I will recuse myself.

21 CO-CHAIR LYOU: We are aware of that.

22 So then all in favor please say aye.

23 (Ayes)

24 CO-CHAIR LYOU: All opposed, no.

25 All abstaining?

1           ADVISORY COMMITTEE MEMBER HARRIS:  Aye.

2           CO-CHAIR LYOU:  Bob Harris has abstained.  We can  
3  now --

4           ADVISORY COMMITTEE MEMBER WALLERSTEIN:  Can I  
5  make another motion?  I don't know if the group will like  
6  it or not.  And that is if in the event residents continue  
7  to live at Midway, that Cal/EPA address the technical  
8  issues of potential exposure raised in the Subcommittee  
9  report, including conducting some additional sampling for  
10 air toxins.

11          CO-CHAIR LYOU:  We're going to ask for a second.

12          ADVISORY COMMITTEE MEMBER CLARK:  Second.

13          CO-CHAIR LYOU:  Now Barbara, I'm going to -- you  
14 have something to say to that, because it presumes we're  
15 passing the report up.

16          CO-CHAIR LEE:  I'm still looking for a motion  
17 that the three of us asked for that the report be  
18 forwarded onto the Secretary.

19          ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:  
20 Second that.  Am I allowed?

21          CO-CHAIR LYOU:  I think --

22          ADVISORY COMMITTEE MEMBER WALLERSTEIN:  Why don't  
23 I take that as a friendly amendment?

24          ADVISORY COMMITTEE MEMBER TAKVORIAN:  That's  
25 attached to the letter.

1 CO-CHAIR LEE: I want it included as an addendum  
2 to the OEHHA report.

3 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'll  
4 incorporate that as a friendly amendment.

5 CO-CHAIR LYOU: Henry, is that all right as the  
6 seconder?

7 ADVISORY COMMITTEE MEMBER CLARK: To attach the  
8 report?

9 CO-CHAIR LEE: To refer the report to the  
10 Secretary and ask that it be attached to OEHHA's report as  
11 an addendum.

12 ADVISORY COMMITTEE MEMBER CLARK: Fine. Yeah.

13 CO-CHAIR LYOU: Henry is okay with that. Do we  
14 have any discussion? You guys are losing your --

15 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I  
16 have to say something. Sorry.

17 I was at the site, and LaDonna is not  
18 exaggerating, when you walk on the site, the sense of  
19 people looking at you and that sense of fear and paranoia.  
20 And so I just feel it's really important we talk about --  
21 and I think the light bulb just went on in terms of what  
22 LeVonne is saying because there needs to be full  
23 disclosure, because -- to all residents, because there's  
24 been a lot of misinformation and divisive tactics.

25 And after the national toxic tours, I realized



1 this has happened in a lot of communities. And it was  
2 palpable when you walk onto the site. And I think that  
3 some effort has to be made to make sure that community  
4 members have the full information in a way that's  
5 understandable so that they can make an informed decision  
6 about to stay or not stay.

7 CO-CHAIR LYOU: Can I just get a clarification as  
8 to whether or not you want that to be part of Barry's  
9 motion and what way?

10 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I  
11 don't know. I'm not sure.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I assumed  
13 that that would be articulated in the original letter that  
14 we were sending about appropriately provide information to  
15 the residents as they would make that decision. And I  
16 thought everyone else was assuming that.

17 ADVISORY COMMITTEE MEMBER CLARK: I think that  
18 the reality of the situation is that if relocation is  
19 happening and going to happen there at Midway, that  
20 residents would be aware of it. And like I think LaDonna  
21 said now how the charge is to determine whether they want  
22 to stay or leave.

23 CO-CHAIR LYOU: Any further discussion? And  
24 Barry, I'm not sure I'm capable of repeating the motion.  
25 Could you do that for us?

1           ADVISORY COMMITTEE MEMBER WALLERSTEIN: I believe  
2 the first part of it was to convey the Subcommittee report  
3 to the Secretary of Cal/EPA and to request that it be an  
4 attachment to the OEHHA report.

5           And secondly, that in the event that there  
6 continued to be residents at Midway Village, that Cal/EPA  
7 conduct the appropriate air and soil sampling for the  
8 purposes of addressing the issues raised in the  
9 Subcommittee report including existing data inadequacies.

10          CO-CHAIR LEE: Anything about following up on the  
11 health effects?

12          CO-CHAIR LYOU: I think that was part of the  
13 original motion. We can check the transcript to be  
14 absolutely sure. I want to make sure that everyone voting  
15 on the motion understands it.

16          Martha, you want to --

17          ADVISORY COMMITTEE MEMBER WALLERSTEIN: Implicit  
18 in the motion also is the fact that the Subcommittee  
19 report calls out some health studies related to chromosome  
20 and other effects that do not at this point in time appear  
21 to be adequately addressed. And that needs to be done.

22          CO-CHAIR LYOU: Okay. So I'd like to call the  
23 question.

24          Barbara, is that okay?

25          All those in favor, aye.

1 (Ayes)

2 CO-CHAIR LYOU: Opposed?

3 Abstaining?

4 ADVISORY COMMITTEE MEMBER HARRIS: Abstain.

5 CO-CHAIR LYOU: Bob Harris is abstaining.

6 We are now one hour and 18 minutes behind

7 schedule. And we have to extend our --

8 ADVISORY COMMITTEE MEMBER TAKVORIAN: I'm going

9 to irritate you some more.

10 CO-CHAIR LYOU: Please do, because I spent many

11 years irritating you when you were Co-Chair.

12 ADVISORY COMMITTEE MEMBER TAKVORIAN: I want to

13 ask that we -- I was going to make a motion, but I would

14 like to ask that we discuss the lessons that we can take

15 from Midway and I think the experiences of other people in

16 the room around waste site cleanup and do something with

17 it as CEJAC. It's clearly --

18 CO-CHAIR LYOU: Do you want to do that right now?

19 ADVISORY COMMITTEE MEMBER TAKVORIAN: For the

20 future. I want to extend the meeting until tomorrow. I

21 think it's wonderful work that's been done. And I also

22 know that many of the communities have suffered for

23 similar reasons and that we need to capture that. And we

24 wouldn't be doing our job as CEJAC if we are able to have

25 one community. I think we need to think about what the

1 larger lessons are, if we can get that. I know we can't  
2 talk about it.

3 CO-CHAIR LYOU: We can put it on the agenda for  
4 the next meeting, is what you're requesting as the  
5 Protocol Committee, David, Barbara, and myself I believe,  
6 especially if you're going to do the work.

7 Welcome, Larry Greene, the alternate for Barry  
8 Wallerstein to the table.

9 And we are now ready I believe to move on to our  
10 discussion of precautionary approaches. And we have to  
11 offer our profound apologies to Eric Bissinger with the  
12 Integrated Waste Management Board, who has been sitting  
13 here very patient all day long and was supposed to begin  
14 his discussion at 2:00.

15 So Eric, without further ado, please come address  
16 the Committee.

17 (Thereupon an overhead presentation was  
18 presented as follows.)

19 MR. BISSINGER: Good afternoon. Well, this is my  
20 first presentation to CEJAC. So I'd like to introduce  
21 myself. My name is Eric Bissinger, and I'm an Integrated  
22 Waste Management Specialist for the California Waste  
23 Management Board. And I'm very interested in the  
24 precautionary approach. And I volunteered to assist with  
25 this project.

1           My contact information is on --

2           ADVISORY COMMITTEE MEMBER TAKVORIAN: We all have  
3 copies of this, so you can keep going.

4           MR. BISSINGER: The California Integrated Waste  
5 Management Board is assigned to develop guidance on  
6 Cal/EPA's precautionary approach and implementation  
7 efforts. Specifically, the EJ Action Plan --

8                               --o0o--

9           MR. BISSINGER: -- identifies the following five  
10 objectives for the Waste Board to accomplish: Develop a  
11 working definition; inventory Cal/EPA precautionary  
12 programs; evaluate whether additional precaution may be  
13 warranted; identify reasonable cost-effective approaches;  
14 and develop guidance, including proposals for regulatory  
15 and statutory changes.

16                              --o0o--

17           MR. BISSINGER: On February 16th, 2005, objective  
18 number one was completed when an inter-agency working  
19 group approved the following working definition for  
20 precautionary approach. The precautionary approach means  
21 taking anticipatory action to protect public health and  
22 environment if a reasonable threat of serious harm exists  
23 based upon the best available science and other relevant  
24 information, even if absolute undisputed scientific  
25 evidence is not available to assess the exact nature and

1 extent of risk.

2 --o0o--

3 MR. BISSINGER: The second objective which was to  
4 be completed in phase two of the EJ Action Plan is to  
5 create an inventory of Cal/EPA programs that are  
6 precautionary or preventative in nature. This objective  
7 also required that we identify obstacles that limit  
8 precautionary actions. I'll next explain how the  
9 inventories were developed.

10 --o0o--

11 MR. BISSINGER: In June 2005, the Waste Board  
12 gave a presentation to the CEJAC which detailed the  
13 process staff would take to complete this objective. At  
14 that time, staff informed CEJAC that an internal working  
15 group comprised of environmental justice coordinators from  
16 each BDo would be formed.

17 To establish a framework in which we categorize  
18 precautionary programs, the working group outlined  
19 different categories of precaution and developed a matrix.  
20 As a starting point, staff referred to CEJAC's recommended  
21 readings which gave examples of different types of  
22 precautionary methods. These programs were categorized  
23 into a matrix outline. The matrix provided the working  
24 group with a consistent framework to organize programs.  
25 Finally, we asked each BDO to summarize the precautionary

1 efforts.

2 --o0o--

3 MR. BISSINGER: This slide shows the  
4 precautionary approach matrix categories and  
5 sub-categories. Programs identified by each BDO were  
6 placed into each category for a consistent way of  
7 organizing the information. For example, if a program is  
8 designed to enforce pollution prevention, then the program  
9 would fit into a regulatory category. And if the program  
10 was intended to educate, then the program would fall under  
11 a right to know category and so on. Each BDO has since  
12 compiled their respective inventories of precautionary  
13 programs and placed them into this matrix format.

14 --o0o--

15 MR. BISSINGER: Here are the next steps that need  
16 to be done in regards to the inventories. Because of the  
17 time lapse and possible turnovers, my Executive Director  
18 asked me to update his colleagues prior to releasing the  
19 information to the public by updating the executive staff  
20 from each BDO.

21 From there, I went to place the inventories on  
22 the web, notify the public and stakeholders through any  
23 avenue available.

24 Also I would like to have a way for the public to  
25 submit comments directly from this website. And I'd like

1 to start the process of forming a working group. It has  
2 been suggested that I request two members from CEJAC to be  
3 on this working group.

4 --o0o--

5 MR. BISSINGER: The working group as a whole  
6 should include members from business, academia,  
7 environmental community groups, and any other likely fit.  
8 This working group will support the project by supplying  
9 technical expertise, making suggestions, and providing  
10 feedback. Advice and suggestions received should be  
11 considered and analyzed within the parameters of the  
12 approved definition of precautionary approach for this  
13 project.

14 --o0o--

15 MR. BISSINGER: Objectives 3, 4, and 5 shown on  
16 the slide are related directly and/or indirectly to each  
17 other. The CEJAC recommends that pilot projects include  
18 extensive public participation. Therefore, the Waste  
19 Board with assistance from the working group will seek  
20 extensive internal and external stakeholder input for the  
21 final three objectives.

22 --o0o--

23 MR. BISSINGER: To initiate the completion of the  
24 final objectives, the Waste Board will host public forums.  
25 If the working group agrees, for the first forum I have



1 identified willing speakers with industrial and academia  
2 backgrounds to make presentations on successfully  
3 implemented precautionary approaches.

4 Other possible topics include inventory analysis,  
5 pilot project review, cost effective approaches,  
6 mitigation strategies, and guidance development.

7 Comments received at the forums and other venues  
8 will be organized into a draft guidance document on  
9 precautionary approaches. Once the draft is developed,  
10 the Waste Board will host an additional round of open  
11 forums to evaluate the draft document and receive  
12 additional input.

13 --o0o--

14 MR. BISSINGER: The EJ Action Plan also requires  
15 staff to focus on precaution related activities for the  
16 other pilot projects identified in the EJ Action Plan. In  
17 order to provide technical assistance to the pilot  
18 projects, the Waste Board has been working corroboratively  
19 with pilot project managers. Specifically, the Waste  
20 Board has been working with the local pilot project groups  
21 and pilot project managers for Department of Pesticides  
22 Regulations, air monitoring project in Parlier, the  
23 Department of Toxic Substances Controls, community  
24 outreach project in West Oakland, and the Air Resources  
25 Board urban exposure project in Wilmington.

1 I've been researching precautionary approaches  
2 alternatives and tools that may assist each project.  
3 Staff will continue to work cooperatively and provide  
4 technical assistance through the completion of each pilot  
5 project.

6 --o0o--

7 MR. BISSINGER: The EJ Action Plan originally  
8 anticipated that the precautionary approach portion of the  
9 EJ Action Plan would be completed in late 2006.  
10 Currently, the project is approaching phase three of the  
11 five implementation phases. This project is approximately  
12 one year behind, and staff anticipates completion of all  
13 phases by late 2007.

14 --o0o--

15 MR. BISSINGER: That concludes my presentation.  
16 And here's my contact information again. And are there  
17 any questions or suggestions?

18 CO-CHAIR LYOU: Questions on presentation by  
19 Eric? No questions. Diane has a question.

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: Thank you  
21 for your presentation. I appreciate it.

22 I'm just a little bit unclear on next steps for  
23 inventories. Who are the Executive Directors?

24 MR. BISSINGER: For the each BDO. Each BDO has  
25 developed their own individual inventory of their

1 precautionary programs. So we wanted to -- it's been a  
2 while since they've been developed. And we wanted to just  
3 update the new -- in case there's been turnovers or  
4 anything like that, we wanted to give them a chance to  
5 review them and be updated on them before they go out to  
6 the public.

7           ADVISORY COMMITTEE MEMBER TAKVORIAN: Okay. And  
8 I guess what I'm wondering about, it's not clear to me as  
9 to whether you would form the working group and draft some  
10 guidance with the working group and then have that be the  
11 topic of discussion at the public forum. Because I don't  
12 know if you had an opportunity to review the materials  
13 that came out of the public forums that we did in 2002 and  
14 2003 which actually led to the recommendations.

15           MR. BISSINGER: I've had some knowledge of that,  
16 yeah.

17           ADVISORY COMMITTEE MEMBER TAKVORIAN: I guess my  
18 point is I feel like we've done a lot of public -- a lot  
19 of education. We had experts come from actually all over  
20 the country. And we were able to then form the  
21 recommendations that went into the 2003 document. So my  
22 sense was that the next thing that we really wanted was to  
23 see some approaches, some policies, some recommendations  
24 come forward that were fully formed and those would be  
25 really appropriate to be out for public debate rather than

1 starting from what are your ideas about it. Because I  
2 think folks have been providing ideas for quite a while.  
3 And what we're looking for is some guidance  
4 recommendations that would take us to the next steps so  
5 the public has an opportunity to comment on more concrete  
6 recommendations.

7 MR. BISSINGER: Well, looking at these  
8 objectives, I'm looking at objective number three, the top  
9 one, top bullet is evaluate whether additional precaution  
10 maybe warranted in Cal/EPA's environmental programs to  
11 address and prevent environmental justice problems.

12 So I was hoping that the inventories themselves  
13 would be a starting point for us to approach this  
14 objective. And that could be just one forum itself or a  
15 part of a forum, an open forum. Once we have the  
16 inventories and they're available to the public, I think  
17 it's going to -- there's going to be one. There's going  
18 to be some conversations that people would like to have  
19 and open forums and things like that.

20 I'm not sure if that answers your question.

21 ADVISORY COMMITTEE MEMBER TAKVORIAN: It really  
22 doesn't.

23 ADVISORY COMMITTEE MEMBER VOLTURNO: Diane,  
24 aren't you saying we've done that? Isn't that what you're  
25 saying, we've already done that?

1           ADVISORY COMMITTEE MEMBER TAKVORIAN: I think  
2 objective three was an opportunity to identify the gaps.  
3 We spent lots of time identifying gaps, and a lot of that  
4 is in the record. I don't think you could have been here  
5 all today and not seen there is a need for at least at  
6 some Cal/EPA agencies a precautionary approach. So I  
7 don't know that there's much debate about the need to  
8 apply precaution. I'm sure there's lots of debate about  
9 how that gets applied and where that might be applied.

10           So I guess what I'm trying to say is let's move  
11 the ball forward and say, well, okay. Here are some ideas  
12 that the working group might have for how precaution can  
13 be incorporated into existing activities or into new  
14 activities. And let the public, all stakeholders in the  
15 public, have an opportunity to give you feedback about  
16 that.

17           MR. BISSINGER: Yeah, I agree. I think the  
18 working group would be formed at the same time or prior to  
19 the open forums. I would definitely request the working  
20 group we do have supply any ideas that we would like to  
21 move this forward.

22           Just at this point, we have the inventories and I  
23 do think they are a good tool, not just for the objective  
24 number three, but for four and five also.

25           ADVISORY COMMITTEE MEMBER TAKVORIAN: So you

1 would put the inventors out to the public? I'm just  
2 trying to make sure I understand.

3 MR. BISSINGER: Yeah. I think I would through  
4 the list serve and our website and stuff post them to make  
5 them available and then start receiving comments and  
6 moving forward with some of these gaps that they've  
7 identified and try to find solutions to that.

8 But I agree. I think that we already have  
9 support for precautionary approach, and I don't want to  
10 start a debate on is it a good thing or bad thing, because  
11 I think we've reached conclusion that it is supported by  
12 this groups and IWG and Cal/EPA in general.

13 ADVISORY COMMITTEE MEMBER TAKVORIAN: Thank you.

14 CO-CHAIR LYOU: Larry, hang on. Shankar says he  
15 has something. Larry, if you don't mind, Shankar would  
16 like to --

17 ADVISORY COMMITTEE MEMBER PRASAD: We form a  
18 working group and start the discussions with the working  
19 group as to what are the elements that you want to have in  
20 the guidance and start it in a public process.

21 What you are suggesting is that have a draft  
22 guideline and then go to the public, there's a lot of  
23 hesitancy among the -- within the Agency about how this  
24 pans out. So they want to make sure that we hear from all  
25 stakeholders and from a wider section. And hence, we are

1 kind of looking at this as more of a way to initiate the  
2 process to hear and the working group, work with the  
3 working group to develop the guidance.

4 So you are right that there may be some models  
5 out there that one could take right away and put it as a  
6 draft and then take it to the next step. But --

7 ADVISORY COMMITTEE MEMBER TAKVORIAN: Not to -- I  
8 don't think it should be fully cooked. That's not what  
9 I'm suggesting. I absolutely think the public should have  
10 an opportunity. But I don't think it should be an  
11 open-ended, what do you think? What do you think about  
12 precaution? What are your ideas for approaches? I think  
13 there should be some work that gets done so there's a  
14 series of approaches that we can do it this way, this way,  
15 and this way. And what do you, the public, think about  
16 that. And give the public something to chew on. Maybe  
17 we're saying the same thing.

18 ADVISORY COMMITTEE MEMBER PRASAD: Yes.

19 CO-CHAIR LYOU: Great. Larry and then Martha.

20 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: My  
21 comment was along the lines of what Diane was asking.  
22 Rather than get into an iterative process where we have  
23 public forums and develop products between each of those  
24 steps, it seems to me that you're really extending the  
25 time frames out. And that with the inventories you have

1 in forming the working group, it seems to me -- I think  
2 what at least what I heard Diane saying, it seems like  
3 objective number three the question has already been  
4 answered. And that potentially the group could come up  
5 with number four and maybe at that time you put that out  
6 on the street.

7 But if you go out and just -- if you put the  
8 inventories out and ask people questions, you're going to  
9 get back what we've gotten back before. And you're not  
10 going to be bouncing the ball down the line. If you're  
11 going to take what's been said before, the expertise of  
12 the group here and work through at least through number  
13 four, then you would have a product to put out on the  
14 street and would maybe shorten the time frames that we're  
15 talking about here. That would be my suggestion.

16 MR. BISSINGER: I agree.

17 CO-CHAIR LYOU: Martha.

18 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I'm a  
19 little bit confused. Are the inventory matrixes all  
20 ready, or you just came up with the categories?

21 MR. BISSINGER: No. Each BDO has done an  
22 internal exercise.

23 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Great  
24 to see.

25 I'm not sure that focusing on the pilot projects



1 is all that useful at this point, given that this is  
2 already a year behind. We're not sure where the pilot  
3 projects are. I visited a couple of sites where the pilot  
4 projects are going on, and you know, I don't know how  
5 useful it would be. So that's my only comment. So I'd  
6 like to know when the inventory matrixes are going to be  
7 available for us to see.

8 MR. BISSINGER: I'm working with the Executive  
9 Directors to make meetings with them now to just update  
10 them as quickly as I can and get it out and get the  
11 website developed. I'm hoping before the end of the year.

12 And I look at the pilot projects as there is  
13 something to be learned as far as precautionary from each  
14 one of them. But, you know, it's just a suggested topic  
15 on a possible open forum.

16 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: There  
17 may be something to be learned. But currently, the way  
18 they've worked has been an exercise in delay and not in  
19 moving forward on the direction. Having enough  
20 information to act and not acting is what the pilot  
21 projects have been like. So that's anti-precaution.

22 MR. BISSINGER: Yeah. That's been a difficult  
23 role for me also.

24 CO-CHAIR LYOU: So we as a Committee need to take  
25 public comment on this issue and figure out quickly

1 whether or not we want to take any action related to this  
2 if there are no further questions of Eric. But thanks to  
3 him for making his presentation.

4 We are almost ten minutes over our adjourn time  
5 that was on the agenda, so I feel a little guilty about  
6 forcing people to stay here longer than they were told  
7 they needed to. And I need to catch a plane. So public  
8 comment, LeVonne. Is there anyone other than LeVonne?  
9 You don't need to fill out a card this time.

10 MS. STONE: I just wanted to make an observation.  
11 Didn't the City of San Francisco adopt a precautionary  
12 principles last year or year before last or something?  
13 And what's been the follow-up? And how come other  
14 cities -- nobody is looking at the fact other cities are  
15 not included in this. And that's that breach and divide  
16 and the gap I'm talking about.

17 CO-CHAIR LYOU: In terms of the pilot projects?

18 MS. STONE: I don't know anything about a pilot  
19 project. Nobody told me anything about it. I'm talking  
20 about the precautionary principle was adopted by the City  
21 of San Francisco, and other cities have not adopted it.  
22 Who's following up what City of San Francisco gave? Or  
23 how have those communities that's been contaminated or  
24 whatever previously used a precautionary principle? And  
25 why is it being used statewide and all this good stuff?

1 Thank you.

2 CO-CHAIR LYOU: Martha, would you like to respond  
3 to --

4 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: So  
5 the City of San Francisco spent about a year developing  
6 its local ordinance. How it ended up was primarily a  
7 purchasing ordinance. And they developed an environmental  
8 health analyst. And they developed some principles around  
9 lifestyle analysis. City of Marin, City of Berkeley, I  
10 believe there are several cities doing the strategy of  
11 adopting them. But that's been organized by folks within  
12 those cities. And so there's been across the country I  
13 think maybe 40 municipalities that are adopting the  
14 precautionary principle. Each city, depending on who's  
15 organizing it, it's taken on its own character. I would  
16 say that -- well, I'll leave it at that.

17 CO-CHAIR LYOU: Any other public comment? Seeing  
18 none, we can move to discussion and decisions on behalf of  
19 our Committee. I think one point of clarification I'd  
20 like to have with regard to the work group is that you're  
21 putting together -- how many members of CEJAC were you  
22 thinking about having?

23 MR. BISSINGER: It's only been suggested maybe I  
24 would have two or someone from business and someone from  
25 environment.

1 CO-CHAIR LYOU: For our process, if we don't have  
2 a group that's representative of the diverse stakeholders  
3 on our Committee, then we start having problems real  
4 quickly.

5 Martha.

6 I think that's one of the decisions we can make  
7 is a recommendation to IWG and the Secretary as to how  
8 many representatives would be the minimum number to  
9 adequately represent the diverse interests.

10 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Much  
11 in the same way that we took on the issue of moving  
12 forward around cumulative impacts, I'd like to see us --  
13 let's see if I can get me some help. Take up the  
14 recommendations that were in the initial report that  
15 directly spoke to precaution and how we can move those  
16 forward again. And it's with the intent of making this  
17 Committee actually begin to look at what we can do  
18 quickly.

19 I haven't thought about writing a motion. So let  
20 me think about it while we -- I'm sorry. I've been up  
21 since 3:00 this morning.

22 ADVISORY COMMITTEE MEMBER PRASAD: We did not do  
23 anything for cumulative impacts. We did not do it. We  
24 left that off.

25 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Well,

1 then I would like to put forward a motion that we review  
2 the original Cal/EPA EJ recommendations and pull out the  
3 elements of precaution that have already been identified  
4 and develop a strategy for moving forward on those.

5 CO-CHAIR LYOU: Based on our recommendation.

6 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Yes.

7 CO-CHAIR LYOU: Do we have a second for that  
8 motion?

9 ADVISORY COMMITTEE MEMBER CLARK: I second.

10 CO-CHAIR LYOU: Henry seconds.

11 Discussion, please. No discussion.

12 ADVISORY COMMITTEE MEMBER TAKVORIAN: Well, I  
13 guess I'm wondering -- we asked for additional resources  
14 for cumulative impacts, and I'm wondering whether we would  
15 like to include that --

16 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Yes.

17 ADVISORY COMMITTEE MEMBER TAKVORIAN: -- in the  
18 motion and that those resources, maybe we could model --  
19 is it possible to be reminded of what we asked for? And  
20 also to provide resources for Committee members to be able  
21 to travel to the meetings and resources that you might  
22 need to pull data and get the stuff up off the web, all  
23 the things that you may need because we --

24 CO-CHAIR LYOU: It looks like we're adding an  
25 amendment to the motion that would parallel to some extent

1 what we did with cumulative impacts, but not form a CEJAC  
2 Subcommittee to do that.

3 ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: Since  
4 there's already a working group.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: There isn't  
6 a working group. Would it be helpful to have a CEJAC  
7 Subcommittee on precaution?

8 CO-CHAIR LYOU: Larry's got his card up. We'll  
9 get back to going in order.

10 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: Do  
11 we want to mention the comments about expediting the  
12 process and not having -- I don't know how to frame that  
13 between Diane's comments and mine. That the working group  
14 develop a product prior to going -- at least a recommended  
15 product prior to going public and then have public comment  
16 on that. I think if we have our members on there, we're  
17 going to have adequate review of that. But I'm afraid  
18 we're going to end up bouncing back and forth and having a  
19 two-year process rather than a one-year process.

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: If we  
21 follow the same kind of line of thinking, the Subcommittee  
22 gets formed, develops the recommendations by July. Then  
23 there's public workshops.

24 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE:  
25 Okay. I agree with that.

1           ADVISORY COMMITTEE MEMBER TAKVORIAN:  If we're  
2  tired and we can trust this could get amended to reflect  
3  precaution, unless we want to write it all together.

4           ALTERNATE ADVISORY COMMITTEE MEMBER GREENE:  Do  
5  you need a second?

6           CO-CHAIR LYOU:  I think, Martha, it's up to you  
7  whether you want to accept this as an amendment to your  
8  motion or whether or not maybe Diane would like to submit  
9  a substitute motion.  So, Martha, why don't you make a  
10 decision.

11          ADVISORY COMMITTEE MEMBER TAKVORIAN:  There's a  
12 slide that comes before that says requests that the  
13 Secretary --

14          CO-CHAIR LYOU:  Change the words cumulative  
15 impacts to precautionary approach.

16          ADVISORY COMMITTEE MEMBER TAKVORIAN:  It's the  
17 one that goes to the actual motion.  Requests that the  
18 Secretary form a Subcommittee.  That's it.  If you  
19 substitute precaution, does that work?

20          ACTING ADVISORY COMMITTEE MEMBER ARGUELLO:  Yes.

21          CO-CHAIR LYOU:  I think I would have a question  
22 then about whatever work group was being convened by the  
23 Waste Board and what the relationship would be to our  
24 Subcommittee and whether our Subcommittee would be  
25 consumed or how that would that work.

1           ADVISORY COMMITTEE MEMBER TAKVORIAN: I would  
2 think they would be the same things. You wouldn't form  
3 two things.

4           MR. BISSINGER: Sounds to me that would be doing  
5 the same functions.

6           CO-CHAIR LYOU: Our Subcommittees are open to  
7 participation by others.

8           ACTING ADVISORY COMMITTEE MEMBER ARGUELLO: I'll  
9 always ask for more.

10          SPECIAL ASSISTANT DUMISANI: This is just for  
11 cumulative impacts.

12          ADVISORY COMMITTEE MEMBER OKUN: You have a  
13 motion that you adopted this morning. So that motion is  
14 completed. So if you want to reconsider that, there needs  
15 to be a motion to reconsider.

16          CO-CHAIR LYOU: Separate motion.

17          ACTING ADVISORY COMMITTEE MEMBER ARGUELLO:  
18 Separate motion and --

19          CO-CHAIR LYOU: Except for cumulative impacts.

20          ACTING ADVISORY COMMITTEE MEMBER ARGUELLO:  
21 There's money in the pot for two things.

22          CO-CHAIR LYOU: So Martha, you are amending your  
23 motion now to have this language substituting the words  
24 precautionary approach or approaches instead of cumulative  
25 impacts. And, Henry, I believe you seconded. Is that



1   okay with you?

2           ADVISORY COMMITTEE MEMBER CLARK:   Basically  
3   included the language, but is with the funding request.

4           CO-CHAIR LYOU:   The same funding request,  
5   additional funding request this time for precaution  
6   instead of cumulative impacts.   So what we're doing is  
7   basing this motion off of the cumulative impacts motion,  
8   but substituting the words precautionary approaches  
9   instead of cumulative -- I don't have eyes in the back of  
10  my head.

11          ADVISORY COMMITTEE MEMBER CLARK:   Is the same  
12  monetary amount included?

13          CO-CHAIR LYOU:   Yes.

14          ADVISORY COMMITTEE MEMBER CLARK:   Okay.

15          CO-CHAIR LYOU:   So Henry is okay with the  
16  amending of the motion.

17          Is there any discussion on this motion?   Okay.

18          Let me do some counting.   We do have a quorum at  
19  the table.   I will then call the question.   All in favor.

20          (Ayes)

21          CO-CHAIR LYOU:   All opposed.

22          Motion carries.

23          And we have completed our agenda making up record  
24  time.   I think that -- there's a time-out call for --

25          ADVISORY COMMITTEE MEMBER TAKVORIAN:   Can we set

1 our next meeting so it's not another year?

2 CO-CHAIR LYOU: Yes. One of the things -- I'm  
3 not sure if we mentioned -- in closing, I'm not sure we  
4 mentioned it directly, but in our conversations with  
5 Secretary Adams and Shankar, we suggested we meet much  
6 sooner sometime in November possibly to among other things  
7 get an update on the pilot projects, but also to address  
8 the issues that came up today which I have as Martha  
9 suggesting we return to the recommendations and try to  
10 more formally review what the recommendations were and the  
11 status was of those recommendations.

12 I forget where this came from. Some sort of  
13 process -- I guess it was Mike Dorsey. Some sort of  
14 process to review some of the process of potentially  
15 getting formal feedback from the interagency working group  
16 on our recommendations as to whether they were accepted,  
17 whether or not or accepted. And if they were not  
18 accepted, why they were not accepted.

19 And then lessons of Midway Village that Diane is  
20 going to enthusiastically present for us.

21 And Bob, was there --

22 ADVISORY COMMITTEE MEMBER HARRIS: No, not an  
23 issue, but great occasion. After 34 years at Pacific Gas  
24 and Electric Company, I will be retiring at the end of  
25 this year. I figured you might want to know.

1 CO-CHAIR LYOU: We might be able to squeeze in  
2 one more meeting before you do that.

3 ADVISORY COMMITTEE MEMBER CLARK: So what are you  
4 going to do after you retire? Start consulting for them?

5 ADVISORY COMMITTEE MEMBER HARRIS: I'm going to  
6 do exactly what the word retire means by way of Webster,  
7 means do nothing.

8 CO-CHAIR LYOU: That is a novel concept to me  
9 personally. But if we don't come back obviously before  
10 the end of the year, Bob, I would at least like to express  
11 my appreciation for your service on this Committee and  
12 wish you the best in your retirement.

13 Are there other issues would we would like to  
14 consider? And I'll just throwing out November. We know  
15 how this process goes in terms of setting dates. We pole  
16 people and try to get the date that most people can make  
17 it. We were hoping to meet sooner rather than later  
18 because of the fact we have not met in eleven months.

19 Other issues for the next meeting? Cynthia.

20 ALTERNATE ADVISORY COMMITTEE MEMBER BABICH: I  
21 would just like to remind folks that we always get so  
22 ambitious with everything we want to accomplish. I think  
23 there's already a lot on the plate. If you don't want to  
24 stay until midnight each time, you might want to think  
25 about just handling what we have.

1 CO-CHAIR LYOU: The recommendation to the  
2 protocol group, Dave, we try to be too ambitious. That  
3 would be a good one.

4 ADVISORY COMMITTEE MEMBER VOLTURNO: I do have a  
5 comment. I'm the Chair for the Tribal Subcommittee  
6 developing the tribal consultation policy. And I would  
7 like to have an update hopefully at that meeting. I know  
8 Shankar and I have already talked about where things are  
9 going. But there's been some question to me from EPA and  
10 all the members of my Committee on where that's going. I  
11 with appreciate if we can have an update.

12 ADVISORY COMMITTEE MEMBER PRASAD: Will do.

13 CO-CHAIR LYOU: That will happen at the CEJAC  
14 meeting.

15 Okay. I guess without objection, we will  
16 adjourn.

17 (Thereupon the California Environmental  
18 Protection Agency, Environmental Justice  
19 Advisory Committee meeting adjourned  
20 at 3:54 p.m.)

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## 1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
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5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
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8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 27th day of October, 2006.

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